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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Eighth Year of the Reign of His Majesty
KING GEORGE V,

Being the Fourth Session of the Fourteenth
Legislature of Ontario,

1918

BEGUN AND HOLDEN AT TORONTO ON THE FIFTH DAY OF FEBRUARY IN THE YEAR
OF OUR LORD ONE THOUSAND NINE HUNDRED AND EIGHTEEN



146286
18/6/18

HIS HONOUR
SIR JOHN STRATHEARN HENDRIE, K.C.M.G., C.V.O.
LIEUTENANT-GOVERNOR.

TORONTO:
PRINTED AND PUBLISHED BY A. T. WILGRESS
Printer to the King's Most Excellent Majesty.
1918

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TORONTO

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8 GEORGE V.

CHAPTER 1.

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1918, and for the Public Service of the financial year ending the 31st day of October, 1919.

Assented to 26th March, 1918.

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from His Honour Preamble.
Sir John Strathearn Hendrie, K.C.M.G., C.V.O., a Colonel in the Militia of Canada, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of October, 1918, and for the financial year ending the 31st day of October, 1919, and for other purposes connected with the public service, May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole twelve million eight hundred and fifty-four thousand four hundred and thirty-one dollars and seventy-nine cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the first day of November, 1917, to the thirty-first day of October, 1918, as set forth in Schedule "A" to this Act.

\$12,854,-
431.79
granted
for year
ending 31st
October,
1918.

2. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole eleven millions six hundred and ten thousand

\$11,610,-
121.54
granted
for fiscal
year 1918-19.

thousand one hundred and twenty-one dollars and fifty-four cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the first day of November, 1918, to the thirty-first day of October, 1919, as set forth in Schedule "B" to this Act.

Accounts
to be laid
before
Assembly.

3. Accounts in detail of all moneys received on account of this Province during the said financial year 1917-1918 and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its first sitting after the completion of the said period; and accounts in detail of all moneys received on account of this Province during the financial year 1918-1919 and of all expenditures under Schedule "B" of this Act, shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations
for
1917-1918
unexpended.

4. Any part of the money under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1918, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Appropriations
for
1918-1919
unexpended,
to lapse.

5. Any part of the money under Schedule "B" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1919, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or after a date fixed by the Lieutenant-Governor in Council as mentioned in section 4 shall lapse and be written off.

Accounting
for expenditure.

6. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

SCHEDULE "A."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and eighteen, and the purposes for which they are granted:

CIVIL GOVERNMENT.

To defray the expenses of the several departments at
Toronto:

Department of the Prime Minister and President of the Council	\$ 1,150 00	
Attorney-General's Department	6,155 00	
Education Department	6,042 90	
Lands, Forests and Mines Department	35,551 33	
Public Works Department...	18,411 25	
Department of Public Highways	10,350 00	
Game and Fisheries Department	19,400 00	
Treasury Department	3,122 33	
Audit Office	3,700 00	
Provincial Secretary's Department	24,251 21	
Department of Agriculture...	6,104 13	
Miscellaneous	650 00	
		\$134,888 15

LEGISLATION.

To defray expenses of Legislation..... \$4,981 16

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of
Justice..... \$37,767 05

EDUCATION.

To defray expenses of:

Public and Separate Schools Education	\$156,832 62
Normal and Model Schools, Toronto	12,823 27
Normal and Model Schools, Ottawa	10,124 98
Normal School, London	5,126 25
Normal School, Hamilton	4,664 00
Normal School, Peterborough.	5,410 00
Normal School, Stratford	6,725 74
Normal School, North Bay...	8,890 77

English

English-French, Professional Training Schools	2,355 00	
High Schools and Collegiate Institutes	3,473 03	
Departmental Library and Museum	636 58	
Public Libraries, Art Schools, Historical, Literary and Scientific Societies	3,571 60	
Technical Education	15,000 00	
Provincial and other Univer- sities	357,000 00	
The Ontario School for the Deaf, Belleville	16,135 00	
The Ontario School for the Blind, Brantford	14,705 47	
Miscellaneous	11,897 25	
		<hr/> \$635,371 56

PUBLIC INSTITUTIONS, MAINTENANCE.

To defray expenses of:

Hospital for Insane, Brock- ville	\$27,545 00	
Hospital for Insane, Hamilton	30,980 00	
Hospital for Insane, Kingston	12,500 00	
Hospital for Insane, London..	29,050 00	
Hospital for Insane, Mimico..	13,410 00	
Hospital for Feeble-Minded, Orillia	16,910 00	
Hospital for the Insane, Pene- tanguishene	8,525 00	
Hospital for Insane, Toronto.	17,830 00	
Hospital for Epileptics, Wood- stock	10,660 00	
Andrew Mercer Reformatory, Toronto	8,700 00	
Ontario Mercer Reformatory, Industries	1,500 00	
Industrial Farm, Burwash...	60,000 00	
Industrial Farm, Fort William	5,000 00	
Miscellaneous	2,336 70	
		<hr/> \$244,946 70

AGRICULTURE.

To defray expenses of a grant in aid of Agri- culture	\$132,039 69
--	--------------

COLONIZATION

COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration	\$3,112 00
--	------------

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	\$60,119 60
---	-------------

MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

To defray expenses of:

Parliament and Departmental Buildings	\$29,980 49	
Osgoode Hall	3,650 00	
Miscellaneous	1,205 79	
		\$34,836 28

PUBLIC BUILDINGS.

To defray expenses of:

Parliament Buildings	\$ 20,000 00
Osgoode Hall	7,584 54

Public Institutions:

Hospital for Insane, Brockville	17,764 46
Hospital for Insane, Hamilton	76,147 60
Hospital for Insane, Kingston	46,000 00
Hospital for Insane, London..	44,992 07
Hospital for Insane, Mimico..	84,331 35
Hospital for Feeble-Minded, Orillia	104,306 21
Hospital for Insane, Penetanguishene	15,575 70
Hospital for Insane, Toronto..	85,297 47
Hospital for Epileptics, Woodstock	41,500 00
Andrew Mercer Reformatory, Toronto	1,500 00

Educational:

Normal and Model Schools, Toronto	2,972 16
Normal and Model Schools, Ottawa	48,373 43
Normal School, London	1,566 67

Normal

Normal School, Hamilton....	1,200 00
Normal School, Peterborough.	1,000 00
Normal School, Stratford	84 28
Normal School, North Bay...	4,803 49
The Ontario School for the Deaf, Belleville	29,791 90
The Ontario School for the Blind, Brantford	3,700 00
Training School, Sandwich...	500 00
Ontario Agricultural College..	7,062 52
Ontario Veterinary College ..	434 99
Horticultural Experimental Station, Jordan Harbor....	36,004 96

Districts:

Algoma	2,695 34
Kenora	3,297 10
Manitoulin	1,675 00
Muskoka	1,552 36
Nipissing	116 05
Parry Sound	3,738 43
Rainy River	1,079 25
Sudbury	31,884 50
Temiskaming	3,000 00
Thunder Bay	22,877 90
Miscellaneous	1,362 71

Total Public Buildings \$755,772 44

PUBLIC WORKS.

To defray expenses of Public Works..... \$185,335 00

COLONIZATION AND MINING ROADS.

To defray expenses of Construction and
Repairs \$219,198 80

DEPARTMENT OF PUBLIC HIGHWAYS.

To defray expenses of Department of Public
Highways \$16,584 00

GAME AND FISHERIES.

To defray expenses of Game and Fisheries.. \$201,167 76

ATTORNEY-GENERAL'S DEPARTMENT—MISCELLANEOUS.

To defray expenses of Attorney-General's
Department, Miscellaneous \$19,304 30

TREASURY

TREASURY DEPARTMENT—MISCELLANEOUS.

To defray expenses of Treasury Department,	
Miscellaneous	\$50,927 79

PROVINCIAL SECRETARY'S DEPARTMENT—MISCELLANEOUS.

To defray expenses of Provincial Secretary's	
Department, Miscellaneous	\$46,739 24

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown	
Lands	\$253,027 23

REFUNDS.

To defray expenses on account of Refunds . . .	\$18,378 86
--	-------------

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditures	\$57,271 36
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THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

To defray expenses on account of the Hydro-	
Electric Power Commission of Ontario . . .	\$9,054,951 00

THE TEMISKAMING AND NORTHERN ONTARIO RAILWAY
COMMISSION.

To defray expenses on account of the Temis-	
kaming and Northern Ontario Railway	
Commission	\$686,711 82

Total Estimates for Expenditure of 1917-	
1918	\$12,854,431 79

SCHEDULE "B."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and nineteen, and the purposes for which they are granted:

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto :	
Lieutenant-Governor's Office ..	\$ 5,450 00
Department of the Prime Minister and President of the Council	18,625 00
Attorney-General's Department	88,500 00
Education Department	51,850 00
Lands, Forests and Mines Department	223,000 00
Public Works Department ...	166,690 00
Department of Public Highways	77,000 00
Game and Fisheries Department	50,075 00
Treasury Department	84,950 00
Audit Office	36,850 00
Provincial Secretary's Department	243,235 00
Department of Agriculture ...	91,200 00
Miscellaneous	26,275 00
	<hr/> \$1,163,700 00

LEGISLATION.

To defray the expenses of Legislation	\$328,700 00
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ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice	\$797,860 00
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EDUCATION.

Public and Separate School Education	\$1,487,080 00
Normal and Model Schools, Toronto	94,477 00
Normal and Model Schools, Ottawa	64,720 00
Normal School, London	33,700 00
Normal School, Hamilton	29,060 00
Normal School, Peterborough.	30,190 00
Normal School, Stratford ...	29,750 00
Normal School, North Bay...	49,090 00
English - French Professional Training Schools	29,325 00

High

High Schools and Collegiate Institutes	164,900 00
Departmental Library and Museum	21,850 00
Public Libraries, Art Schools, Historical, Literary and Scientific Societies	88,500 00
Technical Education	158,000 00
Superannuated Public and High School Teachers	53,650 00
Provincial and other Universities	47,200 00
The Ontario School for the Deaf, Belleville	101,710 00
The Ontario School for the Blind, Brantford	81,530 00
Miscellaneous	26,100 00
	<hr/> \$2,590,832 00

PUBLIC INSTITUTIONS.

Hospital for Insane, Brockville	\$198,307 00
Hospital for Insane, Hamilton	268,350 00
Hospital for Insane, Kingston	165,100 00
Hospital for Insane, London..	243,660 00
Hospital for Insane, Mimico..	150,475 00
Hospital for Feeble-Minded, Orillia	172,052 00
Hospital for Insane, Penetanguishene	89,543 00
Hospital for Insane, Toronto..	276,552 00
Reception Hospital for the Insane, Toronto	15,500 00
Hospital for Epileptics, Woodstock	66,726 00
Ontario Reformatory	7,000 00
Ontario Reformatory Industries	133,900 00
Mercer Reformatory, Toronto.	58,970 00
Mercer Reformatory Industries	10,000 00
Industrial Farm, Burwash...	100,000 00
Industrial Farm, Fort William	25,000 00
Miscellaneous	58,225 00
	<hr/> \$2,039,360 00

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture	\$1,029,448 00
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COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration	\$95,000 00
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HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	\$631,763 19
---	--------------

MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

To defray expenses of:	
Government House	\$17,300 00
Parliament and Departmental Buildings	196,170 00
Osgoode Hall	35,978 00
Miscellaneous	20,750 00
	<hr/> \$270,198 00

PUBLIC BUILDINGS.

To defray expenses of:

Osgoode Hall	\$ 7,000 00
Public Institutions	69,000 00
Educational	7,200 00
Agriculture	2,000 00
Districts	22,150 00
Miscellaneous	90,000 00
	<hr/> \$197,350 00

PUBLIC WORKS.

To defray expenses of Public Works.....	\$164,900 00
---	--------------

COLONIZATION AND MINING ROADS.

To defray expenses of Construction and Repairs	\$90,000 00
--	-------------

DEPARTMENT OF PUBLIC HIGHWAYS.

To defray expenses of Department of Public Highways	\$79,620 00
---	-------------

GAME AND FISHERIES.

To defray expenses of Game and Fisheries..	\$298,300 00
--	--------------

ATTORNEY-GENERAL'S DEPARTMENT, MISCELLANEOUS.

To defray expenses of Attorney-General's Department, Miscellaneous \$185,200 00

TREASURY DEPARTMENT, MISCELLANEOUS.

To defray expenses of Treasury Department, Miscellaneous \$116,570 00

PROVINCIAL SECRETARY'S DEPARTMENT, MISCELLANEOUS.

To defray expenses of Provincial Secretary's Department, Miscellaneous \$331,170 00

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands \$1,047,700 00

REFUNDS.

To defray expenses of:

Education	\$ 6,500 00	
Lands, Forests and Mines ...	25,000 00	
Succession Duty	36,000 00	
Miscellaneous	37,000 00	
	<hr/>	\$104,500 00

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure..... \$47,950 35

Total Estimates for Expenditure of 1918-1919	\$11,610,121 54
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CHAPTER 2.

An Act for raising Money on the Credit of The Consolidated Revenue Fund of Ontario.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Loan for
\$6,000,000
authorized.

1. The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding six million dollars (\$6,000,000) for all or any of the purposes following, that is to say: for the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature.

Terms to
be fixed
by Lieuten-
ant-Governor
in Council.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years at such rate as may be fixed by the Lieutenant-Governor in Council, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Securities
may be
exempted
from
provincial
taxes.

3. The Lieutenant-Governor in Council may direct that the securities issued for the loan authorized by this Act shall be free from any or all provincial taxes, succession duties and impositions whatsoever.

Sinking
fund.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum on the amount of such debentures or stock as specified in subsection 2 of section 4 of *The Provincial Loans Act*.

Rev. Stat.,
c. 21.

CHAPTER 3.

An Act respecting Elections to the Assembly.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Ontario Election Act*, Short title.
1918.

2. This Act shall be read and construed with *The Ontario Election Act*, being chapter 8 of The Revised Statutes of Ontario, 1914, and the amendments thereto, and the said Act shall be deemed to be varied and amended as hereinafter set forth, but except as so varied and amended *The Ontario Election Act* shall apply to every election to the Assembly.

Applica-
tion of
Act and of
Rev. Stat.
c. 8.

PART I.

QUALIFICATION OF VOTERS.

Who may be entered on lists.

3. Subject to the provisions hereinafter contained the persons entitled to be entered on the list of voters prepared under Part II of this Act for a polling subdivision, shall be the following and no others:

General
qualifica-
tion.

1. Every man and every woman who

- (a) is a British subject by birth or naturalization;
- (b) is not disqualified under *The Ontario Election Act* or otherwise by law prohibited from voting;
- (c) has resided in Canada for the twelve months next preceding the day of nomination; and

(d)

- (d) is in good faith on the last-mentioned day and has been for the three months next preceding the same, a resident of and domiciled in the electoral district in which the polling subdivision in which he or she so resides is situate;

or in the case of a city divided into two or more electoral districts, or a city parts of which are situate in two or more electoral districts;

- (e) was in good faith on that day and for the three months next preceding the same, a resident of and domiciled in the city, and was on the said first-mentioned day, and for the thirty days next preceding the same, a resident of and domiciled in the electoral district in which the polling subdivision in which he or she so resides is situate;

2. Every man and every woman who

Soldiers
franchise.

- (a) is a British subject;
- (b) is not qualified to be entered on the list under paragraph 1;
- (c) is not entered on any other list of persons entitled to vote at elections to the Assembly;
- (d) is not disqualified under *The Ontario Election Act* or otherwise by law prohibited from voting;

whether he or she is or is not of the full age of twenty-one years or is or is not an Indian, enfranchised or unenfranchised or of whole or part Indian blood, and who

- (e) has served or is serving in any country in the naval or military forces of Great Britain or Canada, or of any other British Dominion or possession, or in any naval or military force of any of the Allies of Great Britain in the present war, if at the time when he or she enlisted or was appointed, engaged, enrolled or called out for such service, he or she was a resident of the municipality or having no permanent place of residence in Ontario, was at that time temporarily resident therein.

4. A student in attendance at an institution of learning^{Students.} who is, during such service or attendance, resident in the municipality for which the lists are being prepared, and who is not entitled to be, and cannot be, and is not at the time of the making up of the lists, entered upon any other list of persons entitled to vote at elections to the Assembly, shall be deemed to be a resident in the municipality, and shall be entitled to be entered on the list prepared under this Act for the polling subdivision in which he is so resident, if otherwise qualified under paragraph 1 of section 9 to vote therein.

5.—(1) In territory without municipal organization the^{Territory without municipal organization.} lists to be used at an election shall be the last lists prepared under the provisions of Part III of *The Ontario Voters' Lists Act*.

(2) In such territory every man and every woman shall^{Who may be entered on list.} be entitled to be entered upon such list who,

- (a) is of the full age of twenty-one years or will be of that age within thirty days after the day fixed for hearing appeals to the judge under the said Act;
- (b) is a British subject by birth or is a British subject by naturalization as provided by section 8;
- (c) is not disqualified under *The Ontario Election Act*, or otherwise by law prohibited from voting;
- (d) has resided in Ontario for the nine months preceding the day for commencing to prepare the list on which he or she is to be entered;
- (e) is a resident of, and domiciled in the territory for which the list is being prepared;

or who is qualified in other respects as provided in paragraph 2 of section 3, and was at the time when he or she enlisted or was appointed, engaged, enrolled or called out for any of the services mentioned in the said paragraph, a resident in the territory for which the list is being prepared or having no permanent place of residence in Ontario, was at that time temporarily resident therein.^{Soldiers' franchise.}

Who May Vote.

6. Subject to the provisions of section 7, 8 and 9, every^{Qualification of pre-voters.} man and every woman whose name is entered on any list prepared under Part II of this Act or under Part III of *The Ontario*

Ontario Voters' Lists Act shall be entitled to vote if he is at the time of tendering his vote a resident of and domiciled in the electoral district and has resided continuously therein from the time when the list was certified by the revising officer or by the judge, as the case may be, but no one who has been entered upon a list of voters as a person who will attain the age of twenty-one years within thirty days after the day fixed for hearing appeals to the judge under Part III of *The Ontario Voters' Lists Act*, shall be entitled to vote until he has attained the age of twenty-one years, except that the foregoing qualifications as to residence and age shall not apply to any person entered on the list by virtue of qualification under paragraph 2 of section 3.

OCCASIONAL OR TEMPORARY ABSENCE.

Temporary
absence.

7. A person may be resident in a municipality within the meaning of this Act notwithstanding occasional or temporary absence, or absence as,

- (a) a member of a permanent militia corps enlisted for continuous service or as a member of the active militia;
- (b) a person serving in the naval or military forces of Canada or Great Britain or of any of Great Britain's allies, in the present war, or as a nurse or nursing sister, or in any other capacity with such forces;
- (c) a student in attendance at an institution of learning in the Dominion of Canada,

and such absence shall not disentitle him to be entered on the list or to vote.

NATURALIZATION.

Naturalized
persons.

8.—(1) A man who was not on the 12th day of April, 1917, a British subject shall not be entitled to be entered on any list of voters to be used at an election, unless he has since become naturalized under section 2 of *The Naturalization Act, 1914*.

Naturalized
women.

(2) A woman who is not a British subject by virtue of her birth in Canada or in some other part of the British Empire, or by reason of her naturalization in her own right, prior to the 12th day of April, 1917, shall not be entitled to be entered on any list of voters to be used at an election, unless she has become naturalized under the provisions of section 2 of *The Naturalization Act, 1914*.

(3) Subsections 1 and 2 shall not apply as to any person qualified to be entered upon a list of voters under paragraph 2 of section 3, or affect the right of any such person to vote. Exceptions as to soldiers' franchise.

INDIANS.

9.—(1) Except in the case of a person entered upon the Indians. list of voters by virtue of a qualification under paragraph 2 of section 3, an unenfranchised Indian of whole or part Indian blood, residing or having his domicile among Indians, or on an Indian reserve, shall not be entitled to have his name entered on the list of voters or to vote.

(2) A person alleged by a candidate, or the agent of a Oath. candidate, to be an Indian, or a person of part Indian blood, and who is not marked upon the polling list as qualified to vote under paragraph 2 of section 3, if required by the candidate or his agent, or by the deputy returning officer, shall take one of the following oaths in addition to any other oath required of a voter:

You swear (or affirm) that you are not an Indian or a person having part Indian blood,

or, at his option,

You swear (or affirm) that you are an enfranchised Indian,

or, at his option,

You swear (or affirm) that you do not reside nor is your domicile among Indians, or on an Indian Reserve.

NOMINATION AND POLLING.

10. The writ for an election shall state the respective days Nomination and polling days. for the nomination and polling and the fifty-sixth day after the nomination day shall be the day on which polling shall take place where a poll is granted.

11.—(1) The nomination paper of every candidate shall Nomination paper. be signed by not less than one hundred duly qualified electors of the electoral district.

(2) A person shall be deemed to be a duly qualified elector Who may sign. for the purposes of subsection 1 if he is qualified to be entered on the list of voters as entitled to vote at the election.

12. Where it appears that owing to any cause it will be impossible to complete the lists of voters provided for in Part II within the time therein limited, or that for any other reason it is inexpedient that the polling should take place as provided by section 10, the returning officer, with the approval

proval of the Lieutenant-Governor in Council may, by his proclamation, postpone the day upon which polling shall take place to a later date than that fixed by the said section.

Certificate
as to assess-
ment roll,
etc., not
required.

13. The returning officer shall not be required to obtain or to deliver to the deputy returning officers the certificate mentioned in section 73 of *The Ontario Election Act*, and the date to be inserted in the oath to be administered to a voter shall be the date of the nomination.

LISTS OF VOTERS.

Proper
voters' lists
for use at
election.

14.—(1) The proper voters' lists for use at the election shall be the lists prepared under Part II of this Act, or in territory without municipal organization, the last lists prepared and certified before the day of polling under Part III of *The Ontario Voters' Lists Act*.

Polling
lists.

(2) The polling list for each polling subdivision or polling place, as the case may be, shall be made by the clerk of the peace, from the lists referred to in subsection 1, and the polling lists shall be certified by the clerk of the peace accordingly.

OATHS OF VOTERS.

Oaths of
voters.

15. The oath to be taken by a voter shall be according to Forms 1A or B to this Act, except in territory without municipal organization, when the oath shall be according to Forms 2A or B.

Regula-
tions.

16. The Lieutenant-Governor in Council may make regulations,

(a) Providing for any matter not herein expressly provided for, and which is rendered necessary by the changes made by this part in the procedure in holding an election;

(b) Respecting any matter connected with the conduct of an election under this part, which is not expressly provided for and generally for the better carrying out of the provisions of this Act.

PART II.

VOTERS' REGISTRATION BOARD.

17. In this part,Interpreta-
tion.

- (a) "Board" shall mean Voters' Registration Board; "Board."
- (b) "Prescribed" shall mean prescribed by regulations ^{"Pre-scribed."} made by the Lieutenant-Governor in Council under the authority of this Act;
- (c) "Urban Municipality" shall mean and include a ^{"Urban municip-} city, town or incorporated village; ^{ality."}
- (d) "Regulations" shall mean regulations made by the ^{"Regula-} Lieutenant-Governor in Council under the auth- ^{tions."} ority of this Act.

APPOINTMENT OF ENUMERATORS.

18.—(1) Where a poll is granted at any election the re- ^{Appoint-} turning officer shall forthwith appoint by writing under his ^{ment of} hand, Form 3, such number of persons as he may deem neces- ^{enumerat-} sary to act as enumerators for the purpose of preparing the ^{ors.} voters' lists.

(2) Every enumerator, before entering upon his duties, ^{Oath.} shall take the oath Form 4, in the Schedule to this Act.

(3) The returning officer shall furnish the chairman of the ^{List of} Board with a list of the enumerators so appointed, showing ^{enumerators.} the name of each, his occupation and place of residence or business.

(4) If an enumerator refuses, neglects or becomes unable ^{Substitute} to perform the duties of his office, the returning officer may ^{appoint-} appoint some other person to act as enumerator who shall, ^{ments in} after taking the prescribed oath, perform all the duties and ^{case of} be subject to all the obligations of the office as if he had ^{vacancy or} been appointed enumerator, and the returning officer may at ^{removal.} any time, for such cause as may be deemed sufficient, dismiss an enumerator and appoint another person to act as enumerator in his stead.

VOTERS' REGISTRATION BOARD.

19.—(1) The Voters' Registration Boards heretofore con- ^{Board} stituted for every county and provisional judicial district ^{continued.} shall be continued and shall perform the duties by this Part assigned to them.

Where electoral district includes parts of two or more counties, etc.

(2) Subject to the regulations, where an electoral district includes parts of two or more counties or districts, such electoral district shall, for the purposes of this Act, be deemed to form part of the county or district in which the greater part of such electoral district is situate.

Clerk of the Board.

(3) The Board shall appoint one of their own number or some other person to act as clerk of the Board.

Oath of members and clerk.

(4) Every member of the Board and the clerk, before acting, shall take the oath Form 5 before a commissioner for taking affidavits, or a justice of the peace.

Chairman.
Vacancies.

(5) The Lieutenant-Governor in Council may appoint a member of the Board to be chairman, and if there is a vacancy in the Board or any member is unable to act, may appoint a proper person to fill the vacancy.

Duties and powers of Boards.

20. It shall be the duty of the Board, and they shall have power to,

- (a) extend, or limit or re-arrange the times fixed for doing anything or for taking any proceeding under this part in any municipality in the electoral district or throughout the electoral district;
- (b) give directions as to the printing, publication and posting up of lists where the Board deems it necessary to make additional provisions to those made under this part;
- (c) appoint revising officers, who may be members of the Board, to hear appeals and complaints as to the lists made up by the enumerators;
- (d) arrange for the sittings of the revising officers, and the places and times at which such sittings shall be held;
- (e) generally, do everything that may appear to be necessary or expedient with a view to preparing a full and complete list for use at the polling, of all persons in the electoral district qualified to vote at elections to the Assembly.

ENUMERATORS MAKING UP LIST.

Preparation of list.

21.—(1) Forthwith, after he has taken the oath, the enumerator shall proceed to prepare a list of the persons appearing to be qualified to be entered on the lists and to vote in the polling subdivision or in each of the polling subdivisions for which he is appointed.

(2) In a city the lists shall be made up in the order of street numbers, and in townships the list shall be made up alphabetically.

Making up list by street numbers or alphabetically.

(3) Where a list has been prepared under *The Ontario Voters' Lists Act* in any municipality of the persons entitled to vote at elections to the Legislative Assembly as well as at municipal elections, the enumerator shall enter upon the list the name of every person who is entered on the last list so prepared for his polling subdivision and certified by the county judge, unless the enumerator is, of his own personal knowledge, aware that any person whose name is entered on such list, has died or has ceased to be qualified to be entered on the list, and to vote in the polling subdivision.

Where municipal list includes provincial voters.

(4) The enumerator shall also enter upon the list prepared by him under this Act, the name of every man and woman whose name is not entered upon the said certified voters' list and who is qualified under this Act to vote at the election for which the list is prepared.

Entry of persons found qualified.

22. The enumerator, in entering the name of each person upon the list, shall state the place of residence, giving the street number or lot and concession, and the occupation of the voter, and shall mark opposite the name of each person the letters "M.F." (manhood franchise) after the name of each male entered on the list under paragraph 1 of section 3, and the letters "M.W." (married woman), or the letter "S" (spinster), or "W." (widow), according to the fact after the name of every female entered on the list under paragraph 1 of section 3, and after the name of each person entered on the list under paragraph 2 of section 3, he shall enter the letters "S.F." (soldiers' franchise).

Manner of entering names and marking.

23. Every enumerator shall make up and complete the list of voters for each polling subdivision for which he is appointed within ten days after his appointment, and for the purpose of preparing such list, he shall, in an urban municipality, visit every house or other dwelling-place in the polling subdivision and make careful inquiry thereat in order to ascertain the names of all persons qualified to be entered upon the list as voters in such polling subdivision.

Time for making up list.

House to house visitation.

24.—(1) Where the enumerator has any reason to doubt the qualifications of any person to be entered upon the list, he shall tender to such person an oath, Form 6, and may require and take evidence on oath from any person.

Administering oath before entering name.

(2) The enumerator shall not enter upon the list the name of any person who declines to take the oath when tendered or to give the information required by him.

Refusing oath or information.

Certifying
and attest-
ing list.

25.—(1) Upon the completion of the lists for the polling subdivisions for which he is appointed, the enumerator shall certify each list under his hand, Form 7, and shall append thereto an affidavit, Form 8, and shall deliver or send, by registered post, the lists and all affidavits and other documents received by him, to the returning officer.

Custody
of books,
etc.

(2) The enumerator shall keep the books, lists and other documents, used by him in the preparation of the lists, in his own custody until the same are delivered to the returning officer, and no person except the enumerator shall write upon or in any way meddle with such books or other documents.

Duty of
returning
officer.

26. It shall be the duty of the returning officer to advise with and oversee and direct the enumerators in the performance of their duties under this Act, and he shall be responsible for the proper preparation of the lists and their prompt delivery to the clerk of the Voters' Registration Board as hereinafter provided.

Certifying
and trans-
mitting
copies.

27. Forthwith upon receiving the list for any polling subdivision, the returning officer shall cause a sufficient number of copies thereof to be made and shall certify each copy, Form 9, and he shall then deliver or send by registered post one of such certified copies to the clerk of the Voters' Registration Board, one to the clerk of the municipality in which the polling subdivision for which the list is prepared is situate, and one to each of the candidates at the election.

Returning
officer to
furnish
copies.

28. The returning officer shall retain the original list as certified and sworn to by the enumerator, and shall furnish copies thereof to any candidate or his agent, or to any elector upon the payment of the prescribed fee.

Searching
lists.

29. The returning officer shall at all times keep the lists prepared by the enumerators so that the same shall be accessible to any elector for the purpose of ascertaining what names are entered therein, but no person shall make copies of any list or take extracts therefrom except with the permission of the returning officer and upon the payment of the prescribed fee.

Ordering
printing
and addi-
tional post-
ing up of
lists.

30. The Board, if it considers that owing to the large number of voters in the municipality, or in an electoral district which forms part of a municipality, it is desirable that any of the lists should be printed, may cause such number of copies of the list to be printed as it deems sufficient, and may direct the posting up of the list in such places in any municipality as may seem expedient for the purpose of giving additional publicity thereto.

31. The Board shall fix the place and time at which the revising officer appointed for any municipality, or portion of a municipality, shall sit for the purpose of hearing complaints or appeals with respect to the lists. Fixing sittings of revising officer.

32. The clerk of the Board and the clerk of the municipality shall post up the lists received by them in their respective offices, and shall keep the same posted up until after the sittings of the revising officer have been held, and such lists shall at all times be accessible to any person for the purpose of ascertaining what names are entered therein, but no person shall be permitted, without the consent of the clerk of the Board, or the clerk of the municipality, as the case may be, to make copies of, or take extracts from the list, and upon payment of the prescribed fee. Duty of clerk of Board and of municipal clerk.

33. The clerk of the Board or the clerk of the municipality may furnish copies of any list to any person upon the payment of the prescribed fee. Transmitting copies.

34. The Board shall give public notice, Form 10, of every sittings of the revising officer, by advertisement in a newspaper and by posting up notices in not less than three conspicuous places in each polling subdivision, and shall also cause a copy of such notice to be sent by registered post to each candidate. Notice of sittings.

35. The sittings of the revising officer shall be held not less than fifteen days after the publication and posting up of the notice thereof. Time for sittings.

36. The Board and revising officers shall so arrange and proceed that every list shall be finally revised and certified as hereinafter provided and delivered to the clerk of the peace, not less than ten days before the date fixed for holding a poll. When lists to be completed.

37.—(1) The revising officer may, before giving his decision upon any complaint or appeal coming before him, consult with the Board or any members thereof, but he shall give his decision upon any complaint or appeal within five days after the hearing thereof. Revising officer adjourning decision.

(2) The Voters' Registration Board may appoint some proper person to act as clerk to the revising officer. Clerk to revising officer.

(3) Every revising officer and the clerk of a revising officer, before entering upon his duties, shall take before the Board, or a member thereof, an oath, Form 5. Oaths.

Revision
of lists.

38.—(1) Every list shall be subject to revision by the revising officer at the instance of any voter who complains that the names of any persons who are entitled to be entered on the list have been omitted, or that the names of persons who are not entitled to be voters have been entered on the list.

Decision
to be final.

(2) The decision of the revising officer shall be final.

Who may
complain.

39.—(1) Any person whose name is entered on, or who is entitled to have his name entered on any list, may, upon giving notice in writing in Form 11, apply, complain or appeal to have his name or the name of any other person, corrected in, entered on or removed from the list prepared under this part.

Persons
who have
ceased to
be qualified.

(2) A person whose name is entered on the list and who has, before the time for giving the notice of appeal to the revising officer has expired, ceased to be qualified to be entered on the list, shall be deemed to be wrongfully entered on the list, and his name shall be removed therefrom.

Correction
of mis-
takes.

40. The revising officer may, without previous notice of appeal or complaint, on an application made by or on behalf of any person entered on the list, correct any mistake which shall appear to have been made in compiling the list in respect of the name, place of abode, or qualification of a person entered on the list in respect of whose right to be so entered, an appeal or complaint is pending before the revising officer.

Notice of
complaint.

41.—(1) A person making a complaint in respect of the list shall, not less than five days before the date fixed for the sittings of the revising officer, give to the clerk of the revising officer, or leave for him, at his residence or place of business, a notice in writing in duplicate, in Form 11, of his complaint.

Notice to
person
appealed
against.

(2) Where the complaint is that the name or qualification of some person other than the appellant is wrongly entered or stated on the list, the like notice shall be given to such person by the complainant.

Service
of notice.

(3) The notice may be served upon such person by delivering the same to him personally or by leaving it with some grown-up person at his place of residence as stated in the list.

Revising
officer to
be satis-
fied as to
notice.

(4) The revising officer shall not strike off the name of any person entered upon the list unless it appears to him that such person has had due notice of the complaint.

42. The clerk of the revising officer shall, upon receiving a notice of appeal, post up one copy of the same in a conspicuous place in his office, and shall forward the duplicate notice of appeal to the revising officer, and shall also post up in his office the date on which the revising officer will hold his sittings to hear appeals. ^{Posting up notices of appeals.}

43. Upon the day and at the time and place fixed by the Voters' Registration Board, the revising officer shall hear the appeals and may adjourn the hearing from time to time and may postpone his decision upon any appeal, but so that such appeals shall be determined within five days after the hearing thereof, and so that the lists shall be finally revised and certified by the revising officer within ten days after the first day upon which the sittings of the revising officer is held. ^{Hearing.}

44.—(1) Any person may obtain from the revising officer or his clerk, or from any member of the Voters' Registration Board an order, Form 12, requiring the attendance before the revising officer, at the time mentioned in the order, of a witness residing, or served with the order in any part of Ontario; and requiring the witness to bring with him and produce at the hearing of the appeal any papers or documents mentioned in the order, and every witness served with the order shall obey the same, providing his expenses, according to the scale allowed in division courts, are paid or tendered to him at the time of service. ^{Order for attendance of witness.}

(2) Any person appealing, or any person in respect of the registration or omission of whose name a notice of appeal is given, shall, if resident within the municipality, upon being served therewith, obey the order without being tendered or paid his expenses. ^{Obligation.}

(3) The order shall be sufficiently served upon any such person: ^{Service of order.}

- (a) if the order is served upon him personally; or
- (b) where he has a known residence or place of business in the municipality, if a copy of the order is left for him with some grown-up person at such residence or place of business; or
- (c) where he has no such known residence or place of business, if a copy of the order is mailed to him through the post office, prepaid, directed to him at the address contained in the list, or in any notice given or affirmation or affidavit made by him under this part.

Penalty for non-attendance of person appealed against.

(4) If a person, whose right to be a voter is the subject of inquiry, does not attend in obedience to the order, the revising officer, in the absence of satisfactory evidence as to the reason for his non-attendance, or as to his right to be a voter, may on the ground of his non-attendance, strike his name off the list of voters or refuse to enter his name thereon, or may impose on him a fine not exceeding \$20, or may do both.

Order may be for several witnesses.

(5) The names of any number of witnesses may be inserted in one order.

List of changes on appeal.

45.—(1) The revising officer shall prepare a list of the changes to be made in every list of voters as a result of the appeals heard and disposed of by him and shall certify such list of changes in the prescribed form.

Copies to be furnished.

(2) A copy of such list shall be furnished to any voter applying for the same upon the payment of the prescribed fee.

How changes to be noted in lists.

(3) The revising officer shall make the changes set out in the list upon one of the copies of the list prepared by the enumerator and opposite or at the side of the name of any person struck off the list of voters, the revising officer shall write the words "struck off," followed by his initials and shall also insert in their proper places all names added by him to the list of voters with the word "added" followed by his initials.

Delivery of lists to clerk of the peace.

(4) Immediately after the full and final revision of any list the revising officer shall deliver the same to the clerk of the peace with his certificate in the prescribed form appended thereto.

Finality of lists.

(5) Every list of voters revised and closed under the provisions of this part shall be final and conclusive, and shall be subject to no further appeal and shall constitute the proper list of voters to be used at the election.

Provision for place of sittings.

46.—(1) The corporation of the municipality within which a sittings of the revising officer is to be held shall provide a suitable and convenient place, properly furnished, heated and lighted for the holding of the court, and in default thereof the revising officer may hold the court in such place in the municipality as he may deem proper, and if the court is held elsewhere than in the court-house of the county or district, or in the town hall of the municipality, the occupant of the building in which it is held may recover from the corporation of the municipality the sum of \$5 for each day on which the building is used for the purposes of the court.

(2)

(2) Every sittings held in a county or district town shall be held in the courthouse or such other place as the Board may deem proper. Use of courthouse.

47.—(1) In all the proceedings before the revising officer he shall have all the powers which belong to, or might be exercised by the judge of the county or district court sitting in court. General powers of revising officer.

(2) The revising officer may amend any notice or other proceeding upon such terms as he may think proper. Amendment of proceedings.

48. If the revising officer is of opinion that offences against this Act or frauds in respect of the preparation of any list, have prevailed, he shall report the same to the Attorney-General, with particulars as to names and facts. Report of offences to Attorney-General.

49. If an appellant dies or abandons his appeal, or is found not to be entitled to be an appellant, the revising officer may, in his discretion, allow any other person who might have been an appellant, to intervene and prosecute the appeal upon such terms as the revising officer may think just. Substituted appellant.

50. The costs to be allowed on any proceeding under this Act shall be according to the scale fixed by the regulations, and an unsuccessful appellant or complainant shall be liable to pay the witness fees only, unless in the opinion of the revising officer the complaint or appeal is frivolous or vexatious, or has not been made in good faith, when the revising officer may order the appellant or complainant to pay in addition any other costs allowed by the regulations. Costs.

51. The payment of costs may be enforced by an execution in the prescribed form against goods and chattels, to be issued from the division court of the division within which the municipality or any part thereof is situate, upon filing therein the order of the revising officer, and an affidavit showing the amount at which the costs have been allowed and the non-payment thereof. Enforcing payment of costs.

52. No affidavit or declaration which is sworn or acknowledged before a member of, or a candidate for, the Assembly, shall be used upon the revision of a voters' list. Affidavits, etc., not to be taken by member or candidate.

53. Subject to the regulations the Clerk of the Crown in Chancery shall cause the proper books and forms required by this Act to be prepared and printed and he may then deliver the same to the returning officer for the use of the enumerators. Books and forms.

Times
limited
to be di-
rectory.

54. The times limited by this Act shall be directory only, and any mistake or miscarriage in respect of the performance of the duty of any officer or of anything required to be done under this Act shall not invalidate an election, unless the mistake or miscarriage is of such a nature that in the opinion of the Election Court it may have affected the result of the election, but this shall not prevent the election from being avoided where the mistake or miscarriage was brought about in whole or in part by the improper conduct of a candidate or his agent.

Rights to
inspect
and take
copies of
documents.

55. A voter and the agent of a voter may, at all reasonable times and under reasonable restrictions, inspect and take copies of or extracts from any affidavit or list, certificate, book, notice, complaint and other document or proceedings used in carrying out the provisions of this Act, and the returning officer, enumerator or other person having the custody thereof shall accord all reasonable facilities which may be consistent with the safety of the documents, and the rights and interests of all persons concerned, and shall in this regard be subject to the direction of the Board.

Clerk of
the peace
to furnish
copies of
lists.

56.—(1) The clerk of the peace shall furnish to any person who may require the same a certified copy of the list of voters for any polling subdivision upon the payment of the prescribed fee.

Or of
alterations.

(2) In lieu of a copy of the list or a portion thereof, the clerk of the peace, if required, shall furnish a statement of the alterations and corrections made by the Revising Officer upon the payment of the prescribed fee.

Payment of
expenses
of Act.

57.—(1) The fees and expenses to be allowed to the returning officers, Boards, and other officers and persons for services performed under this Act or under *The Ontario Election Act* shall be payable out of the Consolidated Revenue Fund.

Accountable
warrants.

(2) For the purpose of providing funds for the payment of such fees and expenses, the Lieutenant-Governor in Council may direct that accountable warrants payable out of the Consolidated Revenue Fund be issued from time to time in favour of any officer or other person.

Accounts
and audit.

(3) The sums paid out under subsection 1 shall be duly accounted for by the production of accounts and vouchers certified as provided by subsection 4, but it shall not be necessary that such accounts or vouchers shall be furnished by any person in whose favour an accountable warrant was issued before the issue of a further accountable warrant to the same person, unless the Lieutenant-Governor in Council otherwise directs.

(4) All accounts and such fees and expenses shall be audited by the Auditor of Criminal Justice Accounts and upon the production of his certificate as to any amount remaining unpaid upon an account, the Treasurer of Ontario shall cause a cheque to be issued for the amount named in the certificate and the Provincial Auditor shall countersign the same.

58.—(1) The following persons shall be deemed guilty of an offence and shall be punishable accordingly:

- (a) Every person who, directly or indirectly by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, or office, place or employment for himself or any other person, for being or for agreeing to be, or for refraining or agreeing to refrain from being entered on any list prepared under this Part;
- (b) Every person who, directly or indirectly, by himself or by some other person on his behalf, receives any money, gift, loan or valuable consideration, or accepts any office, place, or employment on account of his or any other person being entered on any such list, or having induced some other person to be so entered or to refrain from being so entered;
- (c) Every person who applies to be entered on a list in the name of another person, whether such name be that of a person living or dead, or of a fictitious person, or who, having been once entered applies at any time after such entry and before the election to be again entered under this Part, either in the same or some other electoral district;
- (d) Every person who, directly or indirectly, aids, abets, counsels or procures the commission of the offence described in the preceding clause of this subsection;
- (e) Every person who wilfully applied for entry on any list knowing that he has not the right to be entered;
- (f) Every person who, directly or indirectly, wilfully abets, induces or procures any person to apply to be entered on any list, knowing that such person has not the right to be so entered;

(g)

Officers.

(g) Every person who, being an officer appointed or charged with any duty under this Part is guilty of any misfeasance or any wilful act or omission in contravention of this Part;

False information to registrar.

(h) Every person who gives false information to the enumerator in order to procure the entry on or omission from the list of the name of any person.

Personation.

(2) Any offence under clause *c* of subsection 1 shall constitute the offence of personation and the procedure for the prosecution of any offence under *The Punishment for Personation Act* shall apply thereto.

Penalty.

(3) Every person guilty of an offence under the provisions of this section shall incur a penalty of not less than \$20 nor more than \$100 for each offence, and shall also be disqualified from being entered as a voter, under this or any other Act, and from having his name retained on any voters' list as a voter, or from voting at any election for three years thereafter.

Striking name of offender off list.

(4) The judge of the county or district court, on the complaint of anyone, whether a voter or not, at any time after the conviction of such person, may, in a summary manner, and on proof of the conviction, strike the name of such person from any voters' list upon which his name is entered from any polling subdivision within the jurisdiction of the judge, and the clerk of the peace, or other officer having the custody of the voters' list, shall attend the judge when required so to do for the purpose of having the name of such person struck off as aforesaid.

Ordering new list in case of misconduct, etc., of officer.

(5) Where the returning officer, upon complaint made to him, finds or has reason to suspect that an enumerator has been guilty of misconduct in the preparation of a list or has made extensive errors or omissions therein, the returning officer may at any time before the sittings of the revising officer, appoint some other person in the place of such enumerator to make up a new list and such list shall be substituted for any list theretofore prepared.

Tampering with books, documents, etc.

59.—(1) Any person who wilfully or maliciously destroys, injures or obliterates, or wilfully and maliciously causes to be destroyed, injured or obliterated a book, list, certificate, oath, affidavit or other document made, prepared or drawn out according to or for the purpose of meeting the requirements of this Part, or any of them, shall incur a penalty of \$2,000 and shall be imprisoned for a period not exceeding twelve months.

(2) Any person who aids, abets, counsels or procures the commission of any violation of this section, as in this section mentioned, shall incur a penalty of \$2,000 and shall be imprisoned for a period not exceeding twelve months.

Aiding
and
abetting.

60. Any person appointed an enumerator or revising officer or clerk who refuses to accept office or who, after accepting the same, refuses or neglects to take and subscribe the prescribed oath or to perform the duties of the office, for his neglect or refusal, if appointed an enumerator, shall incur a penalty of \$100, and if a clerk, a penalty of \$50.

Refusing
to accept
office or
take oath.

61. A commissioner for taking affidavits, a notary public or a justice of the peace who falsely signs an affidavit to be used under this Part, certifying or stating that such affidavit was sworn before him, or who signs it prior to the same being signed by the person purporting to swear the same or otherwise than in the presence of the deponent, shall forfeit his office, and shall also incur a penalty of not less than \$50 and not more than \$200, and be liable to imprisonment for any period not exceeding three months, with or without hard labour.

Who may
administer
oaths.

62.—(1) Any penalty, where imprisonment may not be imposed, mentioned in the next preceding three sections, may be recovered with costs, by any person suing for the same in any court of competent jurisdiction.

Recovery of
penalties.

(2) Actions for penalties incurred under this part shall be tried by a judge without a jury.

Action to
be tried
without
a jury.

63. There shall be sent to the returning officer with the writ of election, such a number of copies of this Part and of the regulations and forms, and of any amendments thereto with full indexes thereto, as will be sufficient to supply the returning officer and every enumerator, revising officer, and clerk with one copy at least.

Copies of
Act, forms,
etc., to be
furnished.

64.—(1) The Lieutenant-Governor in Council may make such regulations as may be deemed expedient for the carrying out of this Part, having regard to the general public conveniences and the full, accurate and prompt completion of the lists:

Regula-
tions.

- (a) Prescribing forms, books, notices and other documents to be used for the purposes of this Part;
- (b) Respecting the qualifications and duties of enumerators, revising officers, clerks and other officers appointed under this Part, and the duties of the clerk of the peace;

(c)

- (c) Respecting the books and other records to be kept;
- (d) Fixing the fees to be payable to officers and other persons for services performed and the witness fees and costs payable under this Part;
- (e) For the prevention of irregularities and misconduct on the part of officers, agents and other persons as to any matter arising under this Part and declaring any such irregularity or misconduct to be an offence against section 58;
- (f) For giving directions as to any matter in connection with the preparation of lists under this Part which is not expressly provided for therein, and generally for the better carrying out of the provisions of this Part.

Differing
regula-
tions.

(2) Separate regulations may be made for rural municipalities and for urban municipalities and for different classes of municipalities.

Force of
regula-
tions.

(3) Any regulation made by the Lieutenant-Governor in Council under this Part shall have the same force as if it had been enacted herein.

Provisions
of this
Part sub-
stituted
for former
provisions.

65. The provisions of this Part as to the preparation of lists of voters for use at an election to the Assembly shall be deemed to be substituted for the provisions of any other Act heretofore passed relating thereto.

SCHEDULE OF FORMS.

FORM I.

ONTARIO ELECTION ACT, 1918.

A.

(Referred to in section 15.)

Form of Oath to be Administered to Voter qualified under Part I,
s. 3, par. 1, and s. 6.

You swear (a)

1. That you are the person named or intended to be named by the name of _____ in the polling list now shewn to you (or where a voter votes on a certificate given under section 88 of The Ontario Election Act, that you are the person named in the certificate now shewn to you).

2. That you are of the full age of twenty-one years, and are a British subject by birth (or naturalization) and are not a citizen or subject of any foreign country. (In the case of a person claiming to be a British subject by naturalization add, and you were naturalized in your own right before the 12th day of April, 1917 (or at the option of the voter you were naturalized in your own right and procured a certificate of naturalization under section 2 of The Naturalization Act, 1914.))

3. That you have resided within the Dominion of Canada for the twelve months next preceding the (b)
day of _____ 19____

4. That you were on the said day in good faith a resident of and domiciled in the municipality in which this polling subdivision is situate.

5. That you have resided in this electoral district continuously for the three months next preceding the said day and have resided therein continuously from the said day, and that you are now actually resident and domiciled therein (c)

(OR at the option of the voter in the case of a city divided into two or more electoral districts or parts of which are situate in two or more electoral districts

5. That you have resided in this municipality continuously for the three months next preceding the said day and have resided therein continuously from the said day and that you have resided continuously for the thirty days next preceding the said day in this electoral district, and have resided therein continuously since the said day,

(c) and are now actually resident and domiciled therein).

6. That you are entitled to vote at this election and at this polling place.

7. That you have not voted before at this election, at this or at any other polling place.

8. That you have not received anything nor has anything been promised you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance, or any service whatever connected with this election.

NOTE—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

(b) The date to be inserted is the date of nomination for the election in respect of which the poll is being held.

(c) In case the voter has been temporarily absent, insert the following words: "except occasionally or temporarily, or as a member of a permanent militia corps enlisted for continuous service, or on service as a member of the active militia, or on military or naval service with Great Britain or her Allies during the present war, or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say, (*here name institution*)" as the case may be.

B.

(Referred to in section 15.)

Form of Oath to be Administered to Voter qualified under Part I, s. 3, par. 2, and s. 6, and marked "S.F." on Polling List.

You swear (a)

1. That you are the person named or intended to be named by the name of _____ in the polling list now shewn to you (*or where a voter votes on a certificate given under section 88 of The Ontario Election Act, that you are the person named in the certificate now shewn to you*).

2. That you are a British subject.

3. That you have served (*or are serving*) in the military (*or naval*) forces of Great Britain (*or Canada, or of any other British possession, naming it, or in the military or naval forces of any of Great Britain's Allies in the present war, naming the forces with which the voter has served or is serving*).

4. That at the time when you entered such service you were a resident of this municipality.

(OR at the option of the voter in lieu of paragraph 4

4. That at the time when you entered such service you had no permanent place of residence in Ontario, but were temporarily resident in this municipality.)

5. That you are entitled to vote at this election and at this polling place.

6. That you have not voted before at this election, at this or at any other polling place.

7. That you have not received anything nor has anything been promised you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance, or any service whatever connected with this election.

NOTE—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

FORM 2.

ONTARIO ELECTION ACT, 1918.

A.

(Referred to in section 15.)

Ordinary Form of Oath to be Administered to Voter in Territory without Municipal Organization.

You swear (a)

1. That you are the person named or intended to be named by the name of _____ in the polling list now shewn to you (*or where a voter votes on a certificate given under section 88 of The Ontario Election Act, that you are the person named in the certificate now shewn to you*).

2. That you are of the full age of twenty-one years, and are a British subject by birth (or naturalization) and are not a citizen or subject of any foreign country. (*In the case of a person claiming to be a British subject by naturalization add, and you were naturalized before the 12th day of April, 1917 (or at the option of the voter, you were naturalized and procured a certificate of naturalization under section 2 of The Naturalization Act, 1914).*)

3. That you have resided within the Province of Ontario for the nine months next preceding the (b) . day of 19 .

4. That you were on the said day, in good faith, a resident of and domiciled in the territory for which the voters' list was prepared, and that you have resided in this electoral district continuously from the said date (c), and that you are now actually residing and domiciled therein.

(*Or in the case of a clergyman, or a High or Public or Separate school teacher voting under section 20 in lieu of paragraph 4*)

4. That you were on the said day, in good faith, a resident of and domiciled in the territory for which the voters' list was prepared.

(a) That you are a clergyman (or a High or Public or Separate school teacher, as the case may be;

(b) That you are still a resident of Ontario;

(c) That you have resided in this electoral district continuously from the said day until within three months next preceding this election;

(d) That you are not entitled to vote in any other electoral district)).

5. That you are entitled to vote at this election and at this polling place.

6. That you have not voted before at this election, at this or at any other polling place.

7. That you have not received anything nor has anything been promised you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance, or any service whatever connected with this election.

8. And that you have not directly or indirectly paid or promised anything to any person, to induce him to vote or to refrain from voting at this election. So help you God.

NOTES—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

(b) The date to be inserted is the date fixed for commencing to prepare the list.

(c) In case the voter has been temporarily absent, insert the following words: "except occasionally or temporarily, or as a member of a permanent militia corps enlisted for continuous service, or on service as a member of the active militia, or on military or naval service with Great Britain or her Allies during the present war, or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say (*here name institution*)" as the case may be.

B.

(Referred to in section 15.)

Form of Oath in Territory without Municipal Organization for Voter qualifying under section 3, paragraph 2, and section 5.

You swear (a)

1. That you are the person named or intended to be named by the name of _____ in the polling list now shewn to you (*or where a voter votes on a certificate given under section 88 of The Ontario Election Act, that you are the person named in the certificate now shewn to you*).

2. That you are a British subject.

3. That you have served (*or are serving*) in the military (*or naval*) forces of Great Britain (*or Canada, or of any other British possession, naming it, or in the military or naval forces of any of Great Britain's Allies in the present war, naming the forces with which the voter has served or is serving*).

4. That at the time when you entered such service you were a resident in the district in which the list of voters for this polling place has been prepared.

(OR at the option of the voter in lieu of paragraph 4

4. That at the time when you entered such service you had no permanent place of residence in Ontario, but were temporarily resident in the district for which the list of voters used at this polling place was prepared.

5. That you are entitled to vote at this election and at this polling place.

6. That you have not voted before at this election, at this or at any other polling place.

7. That you have not received anything nor has anything been promised you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance, or any service whatever connected with this election.

NOTE—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

FORM 3.

ONTARIO ELECTION ACT, 1918.

(Referred to in section 18 (1).)

Appointment of Enumerator.

To *(full name of appointee)*
(insert residence and legal addition),

Know you that under the provisions of *The Ontario Election Act, 1918*, you have been appointed as enumerator to prepare the lists of voters at the present election to the Assembly for the polling sub-division Nos. _____ and _____ in the municipality of _____

Given under my hand at _____ of
this _____ day of _____ A.D.

Returning Officer.

FORM

FORM 4.

ONTARIO ELECTION ACT, 1918.

(Referred to in s. 18, subs. 2.)

Oath of Office of Enumerator.

I, _____ of _____, of the county of _____, having been appointed enumerator under *The Ontario Election Act, 1918*, to prepare the lists of voters for the polling subdivisions Nos. _____ and _____, in the municipality of _____, solemnly swear (*or affirm*) that I will act faithfully in my capacity as enumerator without partiality, fear, favour or affection, and will to the best of my ability obey and carry out all the provisions of the said Act so far as they relate to anything which may be required of me in the performance of the duties of the said office. So help me God.

Sworn (*or affirmed*) before me at _____, in the _____ of _____ this _____ day of _____
A.D. 19 _____

(Signed)

FORM 5.

ONTARIO ELECTION ACT, 1918.

(Referred to in s. 19, subs. 4.)

Oath of Members of Voters' Registration Board and Clerk, and Revising Officer.

I, the undersigned, a member of (*or clerk, or Revising Officer, appointed by*) the Voters' Registration Board for the county of _____ solemnly swear (*or affirm*) that I will act faithfully as such member (*or clerk or Revising Officer*) without partiality, fear, favour or affection, and will to the best of my ability obey and carry out all the provisions of the said Act so far as they relate to anything which may be required of me in the performance of the duties of the said office. So help me God.

Sworn (*or affirmed*) before me at _____, in the _____ of _____ this _____ day of _____
A.D. 19 _____

(Signed)

FORM 6.

ONTARIO ELECTION ACT, 1918.

(Referred to in s. 18, subs. 2.)

Form of Oath to be Administered by Enumerator to persons desiring to be entered on the list.

You swear (*a*)

1. That your name is _____
2. That you reside at _____ (*fill in street number or lot and concession*).
3. That you are of the full age of twenty-one years.
4. That you are a British subject by birth and are not a citizen or subject of any foreign country.

OR

(OR at the option of the voter in place of paragraph 4.

4. That you are a British subject by naturalization and were naturalized before the 12th day of April, 1917.

OR at the option of the voter.

4. That you are a British subject by naturalization and that you were naturalized and procured a certificate of naturalization under section 2 of *The Naturalization Act, 1914*.)

5. That you have resided within the Dominion of Canada for the twelve months next preceding the day of being the day of nomination for the present election.

6. That you were on the said day in good faith a resident of and domiciled in the municipality in which this polling subdivision is situate.

7. That you have resided in this electoral district continuously for the three months next preceding the said day, and that you are now actually a resident of and domiciled therein.

(OR at the option of the voter in the case of a city divided into two or more electoral districts or parts of which are situate in two or more electoral districts.

7. That you have resided in this municipality continuously for the three months next preceding the said day, and have resided therein continuously from the said city, and that you have resided continuously for the thirty days next preceding the said day in this electoral district and have resided therein continuously since the said day).

8. That you are entitled to vote at this election.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

(b) In case the voter has been temporarily absent, insert the following words: "except occasionally or temporarily, or as a member of a permanent militia corps enlisted for continuous service, or on service as a member of the active militia, or on military or naval service with Great Britain or her Allies during the present war, or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say (*here name institution*)" as the case may be.

OR in the case of a person claiming to be qualified under paragraph 2 of section 3.

You swear (a)

1. That your name is

2. That you are a British subject.

3. That you have served (or are serving) in the military (or naval) forces of Great Britain (or Canada, or of any other British possession, naming it, or in the military or naval forces of any of Great Britain's Allies in the present war, naming the forces with which the voter has served or is serving).

4. That at the time when you entered such service you were a resident of this municipality.

OR at the option of the voter in lieu of paragraph 4.

4. That at the time when you entered such service you had no permanent place of residence in Ontario, but were temporarily resident in this municipality.

5. That you are entitled to vote at this election.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

FORM 7.

ONTARIO ELECTION ACT, 1918.

(Referred to in s. 25.)

Certificate of Enumerator on completion of List.

I, _____ the enumerator appointed under *The Ontario Election Act, 1918*, to make up the list of voters at elections to the Legislative Assembly for the polling subdivision No. _____ in the municipality of _____, do certify that to the best of my knowledge the foregoing list is a true and correct list of the persons entitled to be entered as voters in polling subdivision No. _____ in the _____ municipality of _____ as entitled to vote at elections to the Legislative Assembly, at this election.

Dated at
this _____
A.D. 19 _____

day of

Enumerator.

FORM 8.

ONTARIO ELECTION ACT, 1918.

(Referred to in s. 25.)

Affidavit of Enumerator on completion of List.

I, _____ of the _____ of _____
make oath and say:

1. That I was duly appointed enumerator under *The Ontario Election Act, 1918*, to make up the list of persons entitled to vote under the said Act in polling subdivision No. _____ in the municipality of _____.

2. That by careful inquiry in the manner prescribed by the said Act I have compiled the foregoing list and I believe the same to be a true and correct list of the persons entitled to be entered as voters in the said polling subdivision under the said Act.

Sworn (or affirmed) before me at
in the _____ of _____
this _____ day of _____,
A.D. 19 _____

(Signed) _____
Commissioner, etc.

FORM 9.

ONTARIO ELECTION ACT, 1918.

(Referred to in s. 27.)

Certificate of Returning Officer on copies of List prepared by Enumerator.

I, _____ of the _____ of _____
returning officer appointed for the purpose of holding an election for the return of a member to the Assembly to represent the electoral district of _____ do hereby certify that the foregoing is a true and correct copy of the list of voters for the polling subdivision of _____ in the municipality of _____ as prepared by the enumerator and delivered by him to me.

Dated this _____ day of _____
A.D. 19 _____

Returning Officer.
FORM

FORM 10.

ONTARIO ELECTION ACT, 1918.

(Referred to in s. 34.)

Form of Notice of Sitzings of Revising Officer.

Electoral District of
To Wit:

Take notice that the lists of voters for polling sub-
divisions numbered in the municipality of
have been prepared by the enumerator and have been
delivered to the clerk of this Board, by the returning officer, and
that of has been appointed
Revising Officer for the purpose of hearing complaints and appeals
as to the said lists;

And further take notice that the sittings of the said Revising
Officer will be held at the of on the
day of commencing at
o'clock in the noon.

And further take notice that any voter who desires to complain
that the names of any persons entitled to be entered on the said
list have been omitted from the same, or that the names of persons
who are not entitled to be voters have been entered on the lists,
may on, or before, the day of apply,
complain or appeal to have his own name or the name of any other
person, corrected in, entered on, or removed from the lists prepared
under *The Ontario Election Act, 1918*.

Further take notice that such appeals must be by notice in writ-
ing in the prescribed form, signed by the complainant and given
or left for him at his residence or place of business, on or before
the said date, to the clerk of the Revising Officer (insert name
and address of clerk of Revising Officer).

Chairman Voters' Registration Board
County of

FORM 11.

ONTARIO ELECTION ACT, 1918.

(Referred to in s. 39, subs. 1.)

Voter's Notice of Complaint.

To , Clerk of the Revising Officer under
The Ontario Election Act, 1918, for
of

I, James Smith, a voter (or person entitled to be entered on the
voters' list) of the municipality of
in the electoral district of , complain
(state the names of the persons in respect of whom complaint is
made and the grounds of complaint touching each person, or set
out names and grounds of complaint in lists as follows according
to circumstances), that the persons whose names are set forth in
the subjoined list No. 1, are entitled to be voters in the municipality
of , as shown in the said list, but are
omitted from the list of voters; that the persons whose names are
mentioned in the first column of the subjoined list No. 2, are wrongly
stated in the voters' list; that the persons whose names are set
forth in the first column of the subjoined list No. 3 ought not to
have

have been entered on the voters' list; and that there are errors in the particulars stated in the list in respect of the names entered on the voters' list as shown in the subjoined list No. 4. And take notice that I intend to apply to the Revising Officer in respect thereof, pursuant to the statute in that behalf.

Dated this day of , 19

(Signed)

FORM 12.

ONTARIO ELECTION ACT, 1918.

(Referred to in s. 44, subs. 1.)

Order for Attendance at Sitzings of Revising Officer.

To , greeting.

Take notice that you are required to appear before the Revising Officer for the polling subdivisions Nos. in the municipality of , in pursuance to *The Ontario Election Act, 1918*, at on the day of , 19 , at o'clock at noon, sitting for the purpose of hearing complaints of errors in the voters' lists prepared under *The Ontario Election Act, 1918*, for the said polling subdivisions and for the revision of the said voters' lists then and there to testify all and singular those things which you know in a certain matter of complaint made and now pending before the said revising officer, touching the right of of No. on

Street, in the said municipality, to be entered upon the said list and which complaint is to be tried by the said revising officer (*if witness is requested to produce documents*), and that you bring with you and produce at the said time and place (*set out documents to be produced*). Fail not.

(Signed) C. D.
Revising Officer.
Clerk of Revising Officer.

CHAPTER 4.

An Act to extend the Duration of the present Legislative Assembly until after the Close of the War.

Assented to 26th March, 1918.

Preamble.

WHEREAS by *The British North America Act, 1867*, it is provided that every Legislative Assembly of Ontario shall continue for four years from the date of the return of the writs for choosing the same, and no longer, subject to the Assembly being sooner dissolved by the Lieutenant-Governor; and whereas by the said Act it is further provided that the Legislature may make laws for the amendment, from time to time, notwithstanding anything in the said Act, of the constitution of the Province, except as regards the office of Lieutenant-Governor; and whereas, pursuant to the powers so conferred, *The Legislative Assembly Act* provides that every Assembly shall continue for four years from the fifty-fifth day after the date of the writs for the election and no longer, subject to being sooner dissolved by the Lieutenant-Governor; and whereas under and by virtue of the last recited enactment the duration of the present Assembly will terminate in the month of July of the present year; and whereas many thousands of qualified voters have gone overseas and are serving under arms in the forces of His Majesty and His Allies in the present war; and whereas not only would the cost of taking the votes of soldiers and sailors on active service be very great but the conditions under which the same would be taken would render it impossible to avoid serious errors and mistakes and the practical disfranchisement of many such voters; and whereas it is inexpedient at the present time that the Province should incur the expense involved in the preparation of voters' lists and the holding of a general election, and that the time of the people should be taken and their energies diverted from the carrying on of the war by party contests; and whereas the Assembly has unanimously signified its assent to the declaration of the Leader of the

Opposition

Opposition that it is expedient that the duration of the present Assembly should be extended until after the close of the war and for a sufficient period thereafter to allow of the return overseas of those serving with the military or naval forces of Great Britain and her Allies and for such further period as will permit of the re-adjustment of conditions and the holding of a session of the Legislature for that purpose:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Legislative Assembly Extension Act, 1918.* Short title.

2. Notwithstanding anything in *The Legislative Assembly Act* or in any other Act contained, the present Assembly shall continue and it shall not be necessary to hold any general election to choose members of the Assembly until after the close of the present war, the return of the Canadian forces serving overseas with the military and naval services of Canada and of Great Britain and her Allies, and until one year has elapsed and a session of the Legislature has been held after a date certified by the Minister of Militia and Defence or declared by the Governor in Council to be the date of the return of the last of such forces transported from overseas by the Government of Canada. Extension of life of present Assembly until after the war.

3. Nothing in this Act shall affect or amend the provisions of section 5 of *The Legislative Assembly Act*, nor be taken or deemed to affect or abridge any prerogative of the Crown or the power of the Lieutenant-Governor to dissolve the Assembly at an earlier period than that mentioned in section 2. Saving as to Rev. Stat., c. 11, s. 5 and prerogative of Crown.

CHAPTER 5.

An Act to provide for the Better Regulation of the
Public Service.*Assented to 26th March, 1918.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Ontario Public Service Act, 1918.*

Interpreta- **2.** In this Act:

"Civil servant." (a) "Civil Servant" shall mean an officer, clerk or servant employed in a department;

"Department." (b) "Department" shall mean a department, branch, office or service in the civil service at the seat of government at Toronto;

"Commissioner." (c) "Commissioner" shall mean Civil Service Commissioner for Ontario;

"Minister." (d) "Minister" shall mean the member of the Executive Council for the time being presiding over a department or charged with the administration of any Act or regulation respecting an office in the public service;

"Public service." (e) "Public Service" shall mean and include every department, office, clerkship or service at the nomination of the Crown, as representing the Province of Ontario, wherever held or performed.

Appoint- **3.**—(1) The Lieutenant-Governor in Council may appoint
ment of an officer to be known as the Civil Service Commissioner for
Commissioner. Ontario.

Staff and (2) The Lieutenant-Governor in Council may appoint
expert as- such clerks and other assistants in the office of the Commis-
sistance. sioner

sioner as may be deemed necessary and may authorize the employment by the Commissioner of expert and special assistance from time to time as may be deemed necessary in the discharge of the duties of the Commissioner.

(3) The salary of the Commissioner and the salaries and other remuneration of the clerks and other persons employed by the Commissioner shall be fixed by the Lieutenant-Governor in Council and shall be payable out of the Consolidated Revenue Fund at such times and in such manner as the Lieutenant-Governor in Council may direct.

Salaries
and ex-
penses.

4. It shall be the duty of the Commissioner:

Duties and
powers of
Commis-
sioner.

- (a) to investigate the conditions of the various departments and to make such recommendations as he may deem proper for the improvement of the organization and business methods therein; Investigation and report.
- (b) to report to the Lieutenant-Governor in Council such changes as he may deem proper in any department with a view to systematizing the work of the department and the grading and classification of the civil servants employed therein; Report on changes in departments.
- (c) to make such general recommendations as he may deem proper with regard to the scale of salaries or other remuneration for civil servants employed in any department; Salaries.
- (d) to frame rules for the conduct and discipline of civil servants in their respective offices and for their promotion; Discipline and promotion.
- (e) to report to the Lieutenant-Governor when directed so to do upon any scheme providing for superannuation of civil servants or the payment of any allowance upon retirement from the public service; Superannuation.
- (f) to recommend such action as will promote the co-ordination of work in the different departments, and the reduction or re-organization of the staff of any department with a view to greater economy and efficiency in administration; Co-ordination and re-organization.
- (g) to examine and report upon every nomination for appointment to any position in a department; Applications and nominations.
- (h) to inquire and report upon any other matter affecting the administrative methods of any department; Departmental inquiries.

partment

partment or the conduct of the civil servants therein whenever instructed by the Lieutenant-Governor in Council so to do;

Generally.

- (i) to hold such inquiries and investigate such suggestions, complaints and recommendations with respect to the departments or to any of them or as to any changes in the statutes or regulations affecting the same, as the Lieutenant-Governor in Council may from time to time direct.

Certificate of commissioner as to necessity for appointment.

5. No person shall be appointed to any office, clerkship or service in a department until the Commissioner has certified in writing that such appointment is necessary and that the salary attached to the position does not exceed a fair and reasonable remuneration for the service required.

Commissioner to certify to qualification of appointee.

6. No person shall be appointed to any office, clerkship or service in a department until the Commissioner has certified in writing that the person to be appointed is duly qualified for the position to which he is to be appointed.

Certificate as to qualification in case of appointment to outside service.

7. An appointment shall not be made in the public service outside the departments to any office, clerkship or service, at a salary exceeding \$1,000 per annum, until the Commissioner has certified in writing, that the person to be appointed is properly qualified to fill the position.

Appointment to certain local offices.

8. Where an appointment is to be made to the office of Registrar of Deeds, Local Master of the Supreme Court, Local Registrar of the Supreme Court, Deputy Registrar of the Supreme Court, Deputy Clerk of the Crown, County Court Clerk, Registrar of the Surrogate Court, Sheriff, Crown Attorney or Clerk of the Peace, the name of the applicant or nominee shall be submitted to the Commissioner, and the appointment shall not be made until the Commissioner has certified in writing under his hand, that the applicant or nominee possesses the necessary qualifications as to character, education and ability for the discharge of the duties of the office.

Report on rules, regulations, etc.

9. Whenever required by the Lieutenant-Governor in Council so to do, the Commissioner shall prepare or examine and report upon any rule or regulation, or proposed rule or regulation to be made by any board, commission or officer, or by a member of the Executive Council, or by the Treasury Board, or by the Lieutenant-Governor in Council under *The Public Service Act* or under any other Act relating to the public service or to any department, branch, office or service under the Crown in Ontario.

10. Where the Commissioner, after investigating the condition of any department, reports thereon and recommends the retirement of any officer, clerk or servant or the reorganization of the department, the Lieutenant-Governor in Council may, by order, give effect to such recommendation, anything in any general Act or in any Act relating to such department to the contrary notwithstanding.

Crown
may act
on recom-
mendation
of Commis-
sioner.

11. It shall be the duty of the Commissioner to prepare annually and present to the Lieutenant-Governor in Council on or before the 1st day of November, a report upon the performance of the duties of his office during the preceding fiscal year, and the report shall be laid before the Assembly at the next ensuing session of the Legislature.

Annual
report.

12.—(1) This Act shall be read with, and as part of *The Ontario Public Service Act*, being chapter 14 of *The Revised Statutes of Ontario, 1914*.

Act to be
read with
Rev. Stat.
c. 14.

(2) Where any provision of *The Public Service Act* or of any other general or special Act or of any regulation, is found to be inconsistent with the provisions of this Act or of any order, direction or regulation made under the authority hereby conferred, the provisions of this Act or any such order, direction or regulation so made, shall prevail.

Inconsistent
provisions
not to
prevail.

(3) This Act shall apply to all departments, branches and offices mentioned in section 10 of *The Public Service Act* and the experts, officers, clerks, stenographers and messengers attached to The Ontario Railway and Municipal Board, anything in any other Act to the contrary notwithstanding.

Applica-
tion of
Act.

13. This Act shall come into force and take effect on and after a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of
Act.

CHAPTER 6.

An Act to amend The Succession Duty Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 24, s. 7, ss.
1, cl. b,
repealed.

1. The clause lettered *b* in subsection 1 of section 7 of *The Succession Duty Act* is repealed.

Rev. Stat.,
c. 24, s. 7,
ss. 3, cl. a,
repealed.

2. The clause lettered *a* in subsection 3 of section 7 of *The Succession Duty Act*, as enacted by section 6 of *The Succession Duty Act, 1914*, and amended by section 3 of *The Succession Duty Act, 1915*, is repealed, and the following substituted therefor:

Exception
as to gifts
inter vivos.

(a) Given absolutely more than three years before the death of the donor to the father, mother, child, son-in-law or daughter-in-law of the donor to the value or amount of \$20,000 in the aggregate to the persons named in this subsection.

Rev. Stat.,
c. 24, s. 8,
ss. 6,
amended.

3. Subsection 6 of section 8 of *The Succession Duty Act*, as enacted by section 7 of *The Succession Duty Act, 1914*, and amended by section 4 of *The Succession Duty Act, 1915*, is amended by striking out clauses *b* and *c* and substituting therefor the following:

Rates of
duty.

(b) Exceeds \$50,000 and does not exceed \$200,000, 15 per cent.;

(c) Exceeds \$200,000, 20 per cent.

Rev. Stat.,
c. 24, s. 9,
amended.

4. Section 9 of *The Succession Duty Act* is amended by adding thereto the following subsection:

Law of
England
as to
local situs
adopted.

(2) In determining for the purpose of this section only whether property is locally situate in Great Britain or in the Province of Ontario, the law of England shall be followed.

CHAPTER 7.

An Act to provide for the appointment of a General Purchasing Agent for the Province of Ontario.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The General Purchasing Agent's Act*. Short title.

2. There shall be an officer of the Treasury Department to be known as the General Purchasing Agent, who shall be appointed by the Lieutenant-Governor in Council. General Purchasing Agent.

3. The Lieutenant-Governor in Council may appoint such officers, clerks and persons as he may think necessary for the assistance of the Purchasing Agent in carrying out his duties under this Act and Regulations. Staff.

4. The General Purchasing Agent and such officers, clerks and persons as may be appointed for his assistance shall receive such salaries or other remuneration as shall be fixed by the Lieutenant-Governor in Council. Salaries and expenses.

5. The Lieutenant-Governor in Council may make Regulations, Regulations.

(a) prescribing the respective duties of the General Purchasing Agent and the officers, clerks and employees of the General Purchasing Agent's office;

(b) fixing the forms of and particulars to be stated in requisitions for supplies and equipment;

(c) prescribing the manner in which and the officer by whom such requisition shall be certified;

(d)

- (d) prescribing the manner in which tenders for supplies shall be called for and received by the General Purchasing Agent;
- (e) prescribing the books of account, registers, files and records to be used in the General Purchasing Agent's office;
- (f) making provision for the carrying of a stock of stationery and such other supplies as the Lieutenant-Governor in Council may think it advisable to be carried;
- (g) for extending the powers and duties of the purchasing agent so as to include purchasing and dealing in any matter or thing not specifically mentioned in this Act, which may be required or be deemed expedient for any department, branch, or service, or for any public institution wholly or partly under the control of the Government of Ontario;
- (h) generally for the proper carrying out of the provisions of this Act.

General
duties.

6. Subject to any Regulations made under the authority of this Act it shall be the duty of the General Purchasing Agent to purchase for all governmental departments of the Province of Ontario all stationery, furniture, supplies and equipment now or hereafter required to be furnished by the Province.

Agent
pro tem.

7. In case of the illness or absence of the General Purchasing Agent or of a vacancy in the office, the Lieutenant-Governor in Council may appoint the chief clerk or some other officer in the General Purchasing Agent's office or in the Treasury Department to act as General Purchasing Agent *pro tempore*.

Commence-
ment of
Act.

8. This Act shall come into force and take effect on and after a day to be named by the Lieutenant-Governor by his Proclamation.

CHAPTER 8.

An Act to provide for Development Work in
Northern and Northwestern Ontario.*Assented to 26th March, 1918.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Northern and North-western Ontario Development Act, 1918*. Short title.

2. The Lieutenant-Governor in Council is authorized to raise by way of a loan a sum of money not exceeding five million dollars, in addition to the amount provided for by *The Northern and Northwestern Ontario Development Act, 1912*, and the proceeds of the loan hereby authorized, and any payment remaining unexpended, and the proceeds of any loan made under the said *Northern and Northwestern Ontario Development Act, 1912*, shall be applied for the purposes set out in the Act of 1912 and in *The Northern and Northwestern Ontario Development Act, 1915*, *The Northern and Northwestern Ontario Development Act, 1916*, *The Northern and Northwestern Ontario Development Act, 1917*, and *The Returned Soldiers' and Sailors' Land Settlement Act*, and for the purposes following, that is to say:

- (i) The purchase of seed grains, seed potatoes, and agricultural implements for sale or distribution to settlers or farmers; Objects of fund.
- (ii) The purchase of cattle and other live stock for sale or distribution to settlers and farmers, and the feeding and care of same;
- (iii) The purchase of lands, easements, rights of way, buildings and structures deemed necessary to the development of Northern and Northwestern Ontario;

(iv)

- (iv) The erection and equipment of schools and other public buildings and the payment of salaries, wages and expenses of persons employed in connection therewith;
- (v) For making loans to assist in the erection and operation of creameries, cheese factories, grist mills and other like associations.
- (vi) In every work in Northern and Northwestern Ontario for which no other provision is made, and which may be authorized by the Lieutenant-Governor in Council upon the recommendation of the Minister;

Terms upon which fund may be raised.

3. The said additional sum of five million dollars may be borrowed for any term or terms not exceeding fifty years, at such rates as may be fixed by the Lieutenant-Governor in Council, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Securities may be free from provincial taxes.

4. The Lieutenant-Governor in Council may direct that the securities issued for the loan authorized by this Act, shall be free from any or all provincial taxes, succession duties, and impositions whatsoever.

Sinking fund.

5. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue hereby authorized, and such sinking fund may be at a greater rate than one and one-half per cent. per annum on the amount of such debentures or stock, as specified in subsection 2 of section 4 of *The Provincial Loans Act*.

Application of proceeds of loan.

6. There shall be paid out of The Consolidated Revenue Fund, to the extent of the loan hereby authorized, such sums as the Lieutenant-Governor in Council may from time to time deem necessary for the purposes set out in section 2, or any of them, and the sums shall be expended by any department, branch or persons, or through commissioners appointed under the authority of *The Northern and Northwestern Ontario Development Act, 1912*.

Proportions of expenditure.

7. Notwithstanding anything contained in any of the Acts mentioned in section 2, the Lieutenant-Governor in Council may determine the proportion of the proceeds of the loan hereby authorized, to be applied to the objects of any of the said Acts.

Regulations.

8. The Lieutenant-Governor in Council may make regulations from time to time for the expenditure of the proceeds

of

of the loan hereby authorized, and prescribing the terms and conditions upon which the same shall be expended, and generally for the better carrying out of the provisions of this Act.

9. Every loan made under clause (v) of section 2, or for any other purpose under the authority of this Act or the Acts mentioned in section 2. shall be subject to the said regulations as to the terms of repayment, security, inspection, interest to be charged, and the forms of notices or other documents required, or as may be prescribed by the Lieutenant-Governor in Council.

10. This Act shall be read with the Acts referred to in section 2.

Loans to
settlers to
be subject
to regula-
tions.

Act read
with for-
mer Acts.

CHAPTER 9.

An Act to amend The Mining Act of Ontario.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short
title.

1. This Act may be cited as *The Mining Law Amendment Act, 1918.*

Rev. Stat.
c. 32, s. 23,
amended.

2. Section 23 of *The Mining Act of Ontario* is amended by adding thereto the following subsection:

Licensee
serving
in war.

(7) Notwithstanding anything in this section contained the miner's license of the holder of an interest in an unpatented mining claim who has enlisted or enrolled for active service at home or abroad against the King's enemies shall be deemed to be subsisting and in force for the space of six months after the date of his discharge from military service, or up to and including the thirty-first day of March following the said date whichever period may be the longer, and forfeiture or loss of rights arising under clause ~~a~~ of subsection 1 of section 84 of this Act shall be avoided upon the holder renewing the said miner's license as in section 27 provided.

Rev. Stat.
c. 32, s. 63,
subs. 2,
amended.

3. Subsection 2 of section 63 of *The Mining Act of Ontario* is amended by inserting after the word "holder" in the fourth line thereof the words "or holders."

Rev. Stat.
c. 32, s. 77,
amended.

4. Section 77 of *The Mining Act of Ontario* is amended by adding thereto the following as subsection 4 (a):

Notification
of continua-
nce or va-
cating of
his pendens.

4a. On receipt by the Recorder of such order he shall forthwith transmit by registered post a copy of the same to every recorded holder of an interest in the mining claim.

Rev. Stat.
c. 32, s. 78,
amended.

5. Section 78 of *The Mining Act of Ontario* is amended by adding thereto the following subsection:

- (9) Notwithstanding the provisions of this section the time within which work shall be performed upon an unpatented mining claim by the holder of an interest therein who has enlisted or enrolled for active service at home or overseas against the King's enemies shall be as follows:

Working conditions in case of person serving in war.

- (a) During the six months immediately following the discharge of the holder to the extent of the deficiency of work, if any, required to be performed under clause *a* in subsection 1 of this section.
- (b) During each of the first and second years following the expiration of such six months to the extent of the deficiency of work, if any, required to be performed under clause *b* in subsection 1 of this section.
- (c) During the third year following the expiration of such six months to the extent of the deficiency of work, if any, required to be performed under clause *c* in subsection 1 of this section.

6. Subsection 1 of section 81 of *The Mining Act of Ontario* is amended by inserting after the words "co-owners" in the ninth line the words "or in any of them."

Rev. Stat. c. 32, s. 81, subs. 1, amended.

7. Subsection 1 of section 85 of *The Mining Act of Ontario* as enacted by section 4 of *The Mining Amendment Act, 1914*, is repealed and the following substituted therefor:

Rev. Stat. c. 32, s. 85, subs. 1, amended.

- (1) Where forfeiture or loss of rights has occurred under section 84, the Commissioner within three months after default may, upon such terms as he may deem just, make an order relieving the person in default from such forfeiture or loss of rights, and upon compliance with the terms, if any, so imposed the interest or rights forfeited or lost shall revert in the person so relieved, but as a term of such order in the case mentioned in clause (a) of subsection 1 of section 84, the holder of the claim shall obtain a special renewal license, which shall be so marked and which shall be issued only on payment of twice the prescribed license fee, and in the case mentioned in clause (d) of the said subsection the holder shall file a proper report and pay there-with a special fee of \$25.

Relief against forfeiture.

Rev. Stat.
c. 32, s. 112,
amended.

8. Section 112 of *The Mining Act of Ontario* is amended by adding to subsection 1 the following words:

Reservation
of timber.

Provided further that in any mining claim hereafter staked out and recorded all trees or timber of whatever kind growing or being thereon shall be reserved to the Crown, but where such trees or timber are not covered by a timber license or permit to cut the same, the holder or owner of the claim may, on application, be granted permission to cut and use such trees or timber as he may require for mining and fuel purposes.

CHAPTER 10.

An Act to amend The Metal Refining Bounty Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Metal Refining Bounty Act* is amended by inserting after the word "nickel" where it occurs in the second line of the paragraph commencing "*Class 1,*" the words "sulphate of nickel or other compound or alloy containing or in part produced from metallic nickel or refined oxide of nickel." Rev. Stat.
c. 33, s. 2,
amended.

Bounty
on nickel.

2. Section 2 of the said Act is amended by inserting after the word "cobalt" in the second line of the paragraph commencing "*Class 2,*" the words "sulphate of cobalt, or other compound or alloy containing or in part produced from metallic cobalt or refined oxide of cobalt." Rev. Stat.
c. 33, s. 2,
amended.

Bounty
on cobalt.

3. This Act shall take effect on, and shall be deemed to be in force from the first day of January, 1917. Commence-
ment of
Act.

CHAPTER 11.

An Act respecting the Settlement of Claims Arising
out of the Use of Land for Industrial and Mining
Purposes.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Short title.

1. This Act may be cited as *The Industrial and Mining Lands Compensation Act, 1918.*

Agreement
for com-
pensation.

2. It shall be lawful for any owner or operator of a mine, industry or factory or works in connection therewith, or any person contemplating acquiring or operating a mine, factory, industry or works, to make an agreement with the owner or lessee of any land for payment to the owner or lessee of the land of compensation for any damage or injury resulting or likely to result to the land or to its use and enjoyment from the operation of the mine, industry, factory or works in connection therewith.

Effect and
extent of
operation of
agreement.

3. Such agreement shall, if so expressed therein, bind and enure to the benefit of the heirs, executors, administrators and assigns, or the successors and assigns of the parties thereto, and may relate not only to a mine, industry, factory or works in connection therewith then in operation, but may also relate to any mine, industry, factory or works in connection therewith which may thereafter be established by the party paying the compensation, within a specified area, even though the land upon which the mine, industry, factory or works in connection therewith is thereafter operated is not at the time owned or leased by the party making the compensation.

Registra-
tion of
agreement.

4. Where the land in respect of which the agreement is made is not under *The Land Titles Act*, the agreement shall be registered; and where such land is under *The Land Titles Act*, an original of the agreement, with proof of the due execution thereof, shall be lodged with the proper Master of
Titles

Titles, who shall enter shortly the particulars thereof in the register of the title of the parcel of land on which the burden is imposed. In the margin of the entry, a note shall be made to the following effect: "Agreement for compensation and releasing damages; under *The Industrial and Mining Lands Compensation Act, 1918*," referring to this enactment. Any subsequent agreement cancelling any agreement so registered or lodged, shall in like manner be registered or lodged as the case may be.

5. The payment of compensation under such agreement shall afford a complete answer to any action which may be brought for damages or for an injunction in respect of any matter for which compensation has been made.

Payment of
compen-
sation to
be an
answer to
action.

CHAPTER 12.

An Act respecting Natural Gas.

Assented to 6th February, 1918.

Preamble.

WHEREAS complaints have been made by and on behalf of numerous inhabitants in that part of Western Ontario where natural gas is in general use as a fuel, stating that much distress and suffering have been caused at various times, but especially during the present winter, because of the insufficiency of the supply of such gas; and whereas the Lieutenant-Governor in Council did, on the 4th day of January, 1918, authorize the Ontario Railway and Municipal Board to enquire for report or other action as to the situation with respect to the supply of natural gas in the said part of Ontario and to its production, transmission, conservation, distribution and sale by companies, municipalities and persons interested, including their contractual rights, and also as to any other matter, question or thing connected with the conditions affecting the supply and distribution of natural gas; and whereas the said Ontario Railway and Municipal Board after due notice, enquiry and hearing of witnesses, reported to His Honour, the Lieutenant-Governor in Council on the 24th day of January, 1918, among other things that the said Board had deemed it inexpedient to attempt to adjudicate conclusively upon the contractual rights of the parties summoned to the hearing; that as a matter of fact in certain parts and at certain times, especially during prolonged periods of cold weather in December and January last past, the supply of gas for domestic consumers failed almost entirely, and that consequent on this failure there resulted to hundreds, possibly thousands, of persons the privations and suffering which are inevitable at low temperatures in this climate where no alternative fuel is available; and that by giving preference to the domestic consumers there would, in the opinion of the said Board, be sufficient gas to supply them and a surplus which might be made available for use in certain public utilities; but that the said Board had no jurisdiction to issue a remedial order in the premises; and whereas the Board recommended that the fact to be laid before the Fuel Controller for Canada with a view to immediate action by him in the exercise of his extraordinary powers

powers under the emergency legislation which brought his office into being, and the Board further stated that to effect a permanent solution of the problem presented by the gas situation in the said part of Ontario, legislation would no doubt be necessary and enquiry instituted as to how waste of natural gas might best be prevented, its most beneficial uses enforced and a repetition of the present crisis with its attending suffering and privation forestalled; and whereas the matter was duly referred to the said Fuel Controller for Canada, who questioned his jurisdiction to deal with the same:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be known as *The Natural Gas Act, 1918*. Short title.

2. In this Act,

Interpretation.

(a) "Board" shall mean the Ontario Railway and Municipal Board.

3.—(1) Notwithstanding the provisions of any general or special Act or Letters Patent, or any agreement, franchise, bargain or arrangement whatsoever and by and between whomsoever made, or any other matter or thing, the Board shall control and regulate the production, transmission, distribution, sale and disposal and consumption of all natural gas produced in Ontario, and for that purpose shall have and may exercise the powers and duties hereinafter set forth.

Board to be in control of natural gas.

(2) It shall be a good and sufficient defence to any action or other proceeding brought or taken against any person producing, transmitting, distributing or selling natural gas that such person so far as regards the act or omission which is the subject of such action or other proceeding has conducted the production, transmission, distribution or sale of natural gas in accordance with the order or direction of the Board.

Defence to actions or proceedings on contracts, etc.

4. The Board shall make such orders and give such direction from time to time as it may deem proper for the due conservation of the supply of natural gas in Ontario and its distribution in such localities and to such classes of consumers, for such periods and at such times as may best serve in the opinion of the Board to prevent suffering or inconvenience to the general public and particularly to the users and consumers of natural gas for domestic purposes.

Objects of orders and directions.

Powers of Board.

5. The Board upon its own motion or upon application made to it may make an order for,—

Cutting off supply.

(a) the closing and cutting off of the supply of natural gas to any corporation, company or individual;

Changes in works.

(b) the construction or alteration of any works, machinery, plant or appliance used in the production, transmission, supply, distribution or consumption of natural gas;

Cutting off supply.

(c) the cutting off of the supply to consumers generally or to any class of consumers in any locality for such periods or at such times as the Board may deem proper;

Construction of works.

(d) the construction or alteration of buildings, erections, machinery, pipe-lines, meters, or any other matters or things as the Board may deem proper;

Dividing fields of production.

(e) the division of any field of production or distribution between two or more corporations, companies or individuals engaged in the business of producing or distributing natural gas;

Closing down works.

(f) the closing down and stopping up of any natural gas well or any works for the production, transmission, distribution or supply of natural gas;

Appointment of officers.

(g) the appointment of such inspectors, officers, agents, servants or workmen as may be necessary to carry out and enforce any order of the Board made under this Act;

Fixing rates.

(h) fixing the rates to be charged to distributors and consumers or to any class of consumers and in any locality for natural gas supplied to such distributors or consumers;

Generally.

(i) generally for the better carrying out of the objects and purposes set forth in sections 3 and 4 of this Act.

Regulations.

6. The Lieutenant-Governor in Council may make regulations,—

Extending powers of Board.

(a) extending and enlarging the powers of the Board with respect to the matters mentioned in sections 3 and 4;

(b)

(b) for the better enforcement of any order or direction of the Board; Enforcement of orders.

(c) conferring upon the Board such powers and duties with respect to the prohibiting, limiting, controlling and regulating the production, distribution, supply and consumption or use of natural gas in Ontario as the Lieutenant-Governor in Council may deem expedient. Other powers.

7.—(1) Every person who,—

Offences and penalties.

(a) refuses or neglects to obey any order or direction of the Board made or purporting to be made under the authority of this Act after notice of such order or direction or the promulgation thereof in *The Ontario Gazette*; or

(b) hinders, delays or obstructs the Board, its officers, agents, servants or workmen in carrying out the provisions of this Act or any order or direction of the Board or any regulation made thereunder; or

(c) wastes or causes to be wasted any product of any natural gas well or work for the production, distribution or supply of natural gas, or

(d) tampers or interferes with any meter, stop-cock, cut-off or any other matter or thing, placed or used or installed by the Board, its officers, agents, servants or workmen,

shall incur a penalty not exceeding \$1,000 and not less than \$100 and shall in default of the payment thereof be imprisoned for a period not exceeding six months.

(2) *The Ontario Summary Convictions Act* shall apply to prosecutions under subsection 1. Application of Rev. Stat. c. 90.

8. In addition to any other remedy, any order or direction of the Board whether general or special may be enforced against any corporation, company or individual in the same manner as any other order of the Board made under *The Ontario Railway and Municipal Board Act* or *The Ontario Railway Act*, and this shall include the power to take, possess, use and operate any natural gas well or works for the production of natural gas, transmission lines, mains, pipes or

Extra-ordinary remedies.

meters

meters and any or all buildings, erections, structures, machinery or apparatus necessary for or connected with the use and operation of such works and wells and the distribution and supply of natural gas therefrom.

Terms and
conditions
of orders.

9. The Board in making any order under this Act may include in the order or direction such terms and conditions as the Board may deem just.

CHAPTER 13.

An Act for the Better Development and Preservation
of Fuel Resources in Ontario.*Assented to 26th March, 1918.*

WHEREAS the Province of Ontario, so far as known, Preamble.
does not contain any considerable deposits of coal of marketable quality, and the inhabitants of Ontario are dependent almost entirely for a coal supply on the coal fields of the United States; and whereas, owing to the exigencies of the present war, and other causes, together with the steady diminution of such supply, a scarcity of a supply of coal for the use of the inhabitants of Ontario has occurred, and is likely to be prolonged; and whereas great suffering and hardship has resulted, and will continue to result in many districts which have no other source of fuel supply; and whereas it is desirable that the Province of Ontario should develop its fuel resources to the greatest possible extent, and that rigid economy in the use of fuel should be enjoined and enforced; and whereas it appears that there are in the Province of Ontario very considerable resources of fuel supply in the forests and peat lands of the province; and whereas the peat industry has been hitherto largely undeveloped, and it is desirable that encouragement should be given to the same, and that the Government of Ontario should undertake the work of development with a view of demonstrating its economic practicability; and whereas the Legislature has made an appropriation for the purposes aforesaid:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Fuel Supply Act, 1918*. Short title.

2. In this Act,

Interpreta-
tion.

(a) "Minister" shall mean Minister of Lands, Forests and Mines;

5 s.

(b)

"Controller."

(b) "Controller" shall mean the Fuel Controller, appointed under this Act, and shall include any commission or other body to which the duties and powers of Fuel Controller may be assigned;

"Regulations."

(c) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council or by the Fuel Controller, with the approval of the Lieutenant-Governor in Council, under the authority of this Act, and shall include an order of the Controller.

Appointment of Controller or Commission.

3. The Lieutenant-Governor in Council may appoint an officer, or may issue a commission to two or more persons for the purpose of exercising the powers and carrying out the objects hereinafter set forth, and in the case of the appointment of such officer, he may be designated as the Fuel Controller for Ontario, and in the case of the appointment of a commission, the commission may be designated as The Fuel Control Commission of Ontario.

Employment of expert assistance.

4. The Lieutenant-Governor in Council may appoint or employ such expert and other assistants for the Controller as may be deemed necessary or expedient.

Payment of salaries and expenses.

5. The salaries and expenses of the Controller and of his officers, clerks and servants, and the expenses payable for providing such assistance, and generally all costs, charges and expenses incurred and payable in respect of the carrying out of the provisions of this Act, shall be chargeable to and shall be paid out of such sums as may be provided by the Legislature for investigating the fuel question, and the purchase, manufacture and handling of wood fuel, and for the manufacture and handling of peat fuel.

Powers and duties of Controller.

6. The Controller, subject to the approval of the Lieutenant-Governor in Council may:

(a) Investigate and report to the Minister upon any source of fuel supply and the practicability of securing wood, peat or other fuel for use by the inhabitants of the province, or any locality therein, and the most economical and expeditious mode of utilizing such fuel supply, and of getting out, preparing, transporting and distributing the same;

(b) Make orders from time to time regulating the quantity of fuel which may be used, held or stored by any person, and directing that any amount in

excess of such quantity shall be taken over from such person upon such terms as the Minister may approve, and sold, distributed and otherwise disposed of;

- (c) Provide penalties for the contravention of any order so made;
- (d) Make orders fixing the price at which wood, peat or other fuel may be sold or disposed of, having regard to the cost of getting out, distributing and marketing the same;
- (e) Conduct with, or direct for the Minister, experimental work upon any material which may be deemed to be capable of furnishing suitable fuel;
- (f) Make regulations respecting the use of fuel, and restricting the same as to seasons and hours of use, and the mode in which the same may be used;
- (g) Take such measures as the Minister may direct for the enforcement of any regulations made by the Fuel Controller for the Dominion of Canada, as to the use, transportation, distribution and sale of fuel, and to co-operate with and assist the Fuel Controller of Canada in that respect.

7. The Minister, with the approval of the Lieutenant-Governor in Council, may: Powers of Minister.

- (a) Purchase, lease or acquire, without the consent of the owner thereof, and enter upon, take and use such real and personal property as he may deem necessary for the purpose of acquiring peat lands or wood lands for experimental purposes, or for the purpose of developing or cutting and getting out the wood, peat or other fuel;
- (b) Purchase, erect, set up and operate all such buildings, machinery, plant, appliances and every other matter or thing which he may deem necessary for the purpose of preparing wood or peat or any other substance for fuel purposes;
- (c) Enter into contracts or agreements with the owner of any lands for the purpose of procuring a supply of wood or peat therefrom;

(b)

- (d) Enter into contracts and arrangements providing for the transportation, distribution, marketing and sale of the product of any works acquired by him, or of wood or peat fuel purchased or supplied under contract ;
- (e) Arrange with the Government of the Dominion of Canada or the Fuel Controller of Canada for co-operation in or with any such operations or works and for sharing the cost of the same on such conditions and terms as may be agreed upon ;
- (f) Take over, with or without the consent of the owner thereof, any existing works for the production of wood or peat and operate the same, and transport, distribute, market and sell the product thereof.

Compulsory powers to be exercisable under Rev. Stat., c. 35.

8. Whenever the Minister exercises any of the compulsory powers conferred by the next preceding section, compensation shall be paid to the owner or any other person interested, and such compulsory powers may be exercised, and compensation shall be paid and determined in the manner provided by *The Ontario Public Works Act*, and the provisions of the said Act shall *mutatis mutandis* apply.

Regulations.

9. The Lieutenant-Governor in Council may make regulations not inconsistent with the provisions of this Act,

- (a) Prescribing the duties of the Controller and conferring upon him such powers as may be deemed proper for carrying out the objects of this Act ;
- (b) Imposing penalties for the violation of any regulation or order made by the Controller or by the Lieutenant-Governor in Council ;
- (c) Fixing the salaries, scale of remuneration and expenses to be paid to officers and other persons employed under this Act ;
- (d) Granting to the Minister such powers, in addition to those expressly conferred by this Act, as may be deemed necessary in order to provide a sufficient supply of fuel to the inhabitants of Ontario or of any locality therein ;
- (e) Offering rewards for the discovery of new sources of fuel supply or of new methods in the treatment of any substance which may be used as fuel.

Limits of application of Act.

10. This Act shall not include, or apply to, oil, natural or artificial gas, or electricity.

CHAPTER 14.

An Act to amend The Power Commission Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Power Commission Act*, Short title.
1918.

2. Subsection 2 of section 6 of *The Power Commission Act* as amended by section 2 of *The Power Commission Act, 1916*, is amended by striking out the word "persons" and inserting in lieu thereof the words "chief engineer, accountant, and secretary." Rev. Stat., c. 39, s. 6, ss. 2, amended. Payment of salaries.

3. Section 6a of *The Power Commission Act* as amended by section 4 of *The Power Commission Act, 1916*, and section 2 of *The Power Commission Act, 1917*, is amended as follows: Rev. Stat., c. 39, s. 6a, 6 Geo. V, c. 19, s. 4; 7 Geo. V, c. 20, s. 2, amended.

(a) Subsection 3 is amended by striking out the words "through the comptroller" in the first line thereof; Ib. ss. 3, amended.

(b) Subsection 3, clause *a* is amended by striking out the word "December" and substituting therefor the word "October"; Ib. ss. 3, cl. a, amended.

(c) Subsection 3, clause *b* is repealed and the following substituted therefor: Ib. ss. 3, cl. b, repealed.

(b) Statement of the capital costs of each system operated by the Commission with capital investments of a non-operating character comprised in the same; Cost statement.

(d) Subsection 3, clause *c* is repealed; Ib. ss. 3, cl. c, repealed.

(e)

Ib. ss. 3,
cl. d,
repealed.

(e) Subsection 3, clause *d* is repealed and the following substituted therefor:

Statement
of opera-
tions of
each
system.

(d) Statement with respect to each system or works operated or controlled by the Commission showing the accumulated—

1. Operating surplus or deficit (excluding charges for sinking fund payments and reserves for renewals) of,
2. Charges made for reserves or renewals against,
3. Charges made for sinking fund requirements to

each municipality comprised in such system and the total accumulated surplus or deficit of each such municipality on October 31st in each year, also the date when sinking fund payments were first made by it.

Ib. ss. 3,
cl. e,
repealed.

(f) Subsection 3, clause *e* is repealed and the following substituted therefor:

Profits on
earnings
from other
than munici-
pal corpora-
tions.

(e) Amount of profits earned by each system from sale of power to other than municipal corporations, showing the amount of such profit distributed amongst municipalities and the amount otherwise disposed of;

Ib. ss. 3,
cl. f,
repealed.

(g) Subsection 3, clause *f* is repealed and the following substituted therefor:

Statement
of indebted-
ness to
Commis-
sion.

(f) Statement of amounts of the indebtedness due or owing by municipal or other corporations or persons to the Commission in respect of—

1. Construction of works undertaken and for services rendered,
2. Power bills,
3. Sale of electrical equipment, apparatus or supplies,
4. Debts of other nature, if any, where such debts are three months or more overdue.

(h)

(h) Subsection 6 is amended by adding at the end thereof the words "named in the direction of the Lieutenant-Governor in Council"; ^{Ib. ss. 6, amended.}

(i) Subsection 7 is amended by striking out the words "out of such moneys as may be appropriated for the purposes of the Commission by the Legislature, as part of the costs of the administration" and substituting therefor the words "by the Commission as part of the costs of administration of the Commission"; ^{Salary and expenses of audit.}

4. *The Power Commission Act* is amended by adding thereto the following sections: ^{Rev. Stat., c. 39, amended.}

6b. All special funds and the income and revenue thereof and all moneys and revenues which now are in or shall come into the hands of the Commission whether as agent, trustee, owner or otherwise shall form one fund to be called "General Fund" and the Commission shall have power from time to time to make any and all expenditures out of the said fund for the purposes and objects of the Commission without regard to the special trusts or purposes under which the same or any part thereof may come to its hands; and the Commission shall account for and from time to time pay out of the said funds all moneys for which it shall be so accountable. ^{"General Fund" contributed.}

6c. The Commission may retain and set apart out of the moneys coming into its hands from time to time such sums as may in the opinion of the Commission be sufficient,— ^{Reserve funds.}

1. To provide for the renewal, reconstruction, alteration and repair of the works constructed and operated by the Commission;
2. To meet interest upon working capital and for the operation of the Commission under section 21 of this Act, and to meet obligations, charges, and expenses arising from time to time in the course of such operations;
3. And to meet any unforeseen expenditures or costs caused by the destruction or injury to any of the works of the Commission or otherwise incurred or payable by the Commission.

Surplus
funds,—
application
of.

6d. Any surplus or part thereof in the hands of the Commission from any municipality may be retained by the Commission as security against future obligations to the Commission of the same municipality for so long during the continuance of the contract of the municipality as the Commission may think fit but the Commission shall allow to the municipality interest at the rate of four per centum per annum upon the amount of such surplus from time to time retained by the Commission.

Investment
of funds
in Govern-
ment se-
curities.

6e. The Commission may, at its discretion, invest any funds other than sinking funds not required in carrying out the objects of the Commission in the debentures or other securities of the Dominion of Canada or of the Province of Ontario.

Rev. Stat.,
c. 39, s. 8,
amended.

5. Section 8 of *The Power Commission Act* is amended by adding the following clause,—

Leasing
or operating
works of
others.

(gg) lease or operate the works for the generation, transmission, distribution or use of electrical energy of any person, firm or corporation on such terms as the Commission may arrange with the owner;

Rev. Stat.,
c. 39,
amended.

6. *The Power Commission Act* is amended by adding thereto the following sections:

Guarantee
by pro-
vince of
advances
from
banks, etc.

14e. The Lieutenant-Governor in Council may guarantee the repayment of advances made by banks or any other indebtedness incurred by the Commission, and any Order in Council heretofore passed stating that the Government of Ontario does guarantee the repayment of any such advances or indebtedness, shall be legal and valid, and be binding upon the Province of Ontario.

General
borrowing
powers.

14f. Subject to the approval of the Lieutenant-Governor in Council, the Commission may borrow money from time to time for the purposes of the Commission and issue bonds, debentures, and other securities of the Commission therefor.

Rev. Stat.,
c. 39, s. 15,
subs. 1,
repealed.

7. Subsection 1 of section 15 of *The Power Commission Act* is repealed and the following substituted therefor:

(1)

- (1) All sums received by the Commission from municipal corporations and others on sinking fund account shall be invested by the Commission in securities of the Province of Ontario, and also all interest accruing thereon; and such securities shall be delivered by the Commission to the Treasurer of Ontario as security for repayment of the advances made by the Province to the Commission.

Applica-
tion of
moneys re-
ceived to
sinking
fund
account.

- (1a) The Commission shall pay to the Treasurer of Ontario annually interest on the indebtedness of the Commission to the Province for moneys advanced to the Commission by the Province as may be from time to time determined by the Lieutenant-Governor in Council as sufficient to reimburse the Province the full amount of interest paid by the Government on moneys raised for the purposes of the Commission and the charges incurred by it in providing such money.

Interest on
advances by
Province.

8.—(1) Subsection 1 of section 15a of *The Power Commission Act*, as enacted by section 3 of *The Power Commission Act, 1916*, is amended by adding at the end thereof the words “and to other persons, firms and corporations.”

6 Geo. V,
c. 19, s. 8,
amended.

Supplies to
municipal
corporations
and others.

(2) The said section 15a is amended by adding thereto the following as subsection 1a:

6 Geo. V,
c. 19, s. 8,
amended.

- 1a. The Lieutenant-Governor in Council from time to time upon the request of the Commission specifying

Manufactur-
ing and
dealing in
supplies.

- (a) the nature and volume of the business to be carried on; and
- (b) the extent of the liability which may be incurred in connection therewith;

may authorize the Commission within the Province of Ontario to manufacture such electrical, hydraulic, or other machinery, appliances, apparatus and furnishings as may be used in the development, transmission, distribution, supply or use of electrical power, and to acquire patents of invention, or in-

terests

terests in patents of invention, and to sell and dispose of such machinery, appliances, furnishings or patent rights, and the profits and losses arising from such operation shall be adjusted and apportioned among the municipalities having contracts with the Commission, or be otherwise applied as the Commission shall see fit.

Rev. Stat.,
c. 39,
amended.

9. *The Power Commission Act* is amended by adding thereto the following section:

Office
buildings,
etc.

15*b*.—(1) The Commission may purchase, lease or otherwise acquire lands, by expropriation or otherwise, necessary or required by the Commission for office, service, or other buildings and erect thereon such office and other buildings and equipment and appliances as the Commission may think fit for the purposes of the Commission.

Purchases,
etc., hereto-
fore made
validated.

(2) The purchase of all lands or leaseholds heretofore acquired by the Commission and the expenditure of the Commission in the erection of office and other buildings, equipment and appliances thereon, heretofore made by the Commission for the purposes aforesaid, are hereby confirmed.

Apportion-
ment of
expenditures.

(3) The expenditure of the Commission in the purchase or lease of the said lands and the erection of the said buildings together with such additions and extensions of the same as may be found necessary from time to time shall be repayable to the Commission by the municipal corporations which have entered into contracts with the Commission by annual sums sufficient to form in thirty years a sinking fund for the repayment of the cost thereof.

Rev. Stat.,
c. 39, s. 22,
repealed.

10. Section 22 of *The Power Commission Act* is repealed and the following substituted therefor:

Repayment
of expendi-
tures on
behalf of
municipal-
ities.

22. The expenditure of the Commission upon any works undertaken under the provisions of this Act for the benefit of any municipality or municipalities which have entered into contracts with the Commission shall be repayable to the Commission by such municipality or municipalities.

Rev. Stat.,
c. 39, s. 23,
amended.
Annual
charge to
municipal-
ities.

11. Section 23 of *The Power Commission Act* as amended by section 4 of *The Power Commission Act, 1914*, and section 11 of *The Power Commission Act, 1915*, is amended as follows:

The

The clause lettered *a* :

By adding after the word "works" in the last line thereof the words "and upon all such other expenditures as the Commission may make under the powers conferred upon the Commission under this Act and upon working capital,"—
Interest.

The clause lettered *b* :

By inserting after the word "in thirty years" in the first line thereof, the words "with interest at four per cent. per annum" and by striking out the words "retirement of the securities issued" in the third line thereof and substituting the words "repayment of the advances made."
Sinking fund charges.

The clause lettered *c* :

By inserting after the words "capital account" the words "advances for working capital."
Advances for working capital.

12. *The Power Commission Act* is amended by adding thereto the following section: Rev. Stat., c. 39, amended.

23a. The Commission may from time to time during the first three years after any municipality shall first begin to take power from the Commission extend the time for payment of the sums payable by any municipality or any part thereof, and such municipality shall pay to the Commission interest on the amount which may be in arrear or for the payment for which time is extended until the payment thereof, at such rate not exceeding seven per cent. per annum as the Commission may determine. Extending time for payments by municipalities.

13. *The Power Commission Act* is amended by adding thereto the following sections: Rev. Stat., c. 39, amended.

23b. Where by their contracts with the Commission a number of municipalities have assumed the costs of the purchase of, or works for the development of, electrical energy for the supply of such group of municipalities, under the provisions of this Act, such group of municipalities shall, for the purpose of this Act be defined as a "system."
What to be deemed a system.

23c.

Supplying
power
from
one
system
to another.

23c. The Commission shall have the right wherever physical connections may be made between any of the systems operating under this Act to make the necessary connections so as to divert power from any one system to any other system, and the means of such connection, and the price to be paid by the system receiving such power to the system supplying such power shall in all cases be determined by the Commission, and the cost of the power so taken by any one system from any other shall be dealt with by the Commission under the provisions of the Act as the cost or part of the cost of the power to be paid by the municipalities forming part of such system under their contracts with the Commission;

Adjustment
between
systems.

23d. The price payable for power by one system to another shall be collected by the Commission from the system owing the same for the system entitled to receive the same, and all sums so paid to any system shall be applied to the cost of construction, maintenance and operation of such system in such manner as the Commission may direct.

Rev. Stat.,
c. 39, s. 24,
amended.

14. Section 24 of *The Power Commission Act* is amended by adding thereto the following subsections:

Annual
adjustment
of expendi-
tures for
municipali-
ties.

(2) The Commission shall also annually adjust and apportion among the municipalities all such expenditures made by the Commission in exercise of the powers conferred upon the Commission by this Act as have been incurred for on behalf of the municipalities.

Adjustment
to be final.

(3) The adjustment and apportionment made by the Commission shall be final and binding upon the municipal corporation.

Rev. Stat.,
c. 39, s. 37,
amended,
6 Geo. V.,
c. 19.

15. Section 37 of *The Power Commission Act*, as enacted by section 10 of *The Power Commission Act, 1916*, is amended by adding thereto the following subsection:

11. This section shall not apply to any mine as defined in *The Mining Act of Ontario*, save only as regards any dwelling-house or other building not connected with or required for mining operations or purposes or used for the treatment of ore or mineral.

16. By-law No. 301 of the Corporation of the City of Chatham; By-law No. 1815 of the Corporation of the City of Fort William; By-laws Nos. 1462 and 4380 of the Corporation of the City of Port Arthur; By-laws Nos. 895 and 896 of the Corporation of the Town of Aylmer; By-laws Nos. 322 and 323 of the Corporation of the Town of Alliston; By-laws Nos. 175 and 242 of the Corporation of the Town of Hanover; By-law No. 1261 of the Corporation of the Town of Perth; By-law No. 265 of the Corporation of the Town of Picton; By-law No. 588 of the Corporation of the Town of Parkhill; By-law No. 1301 of the Corporation of the Town of Smith's Falls; By-laws Nos. 358 and 359 of the Corporation of the Village of Beeton; By-law No. 265 of the Corporation of the Village of Bloomfield; By-laws Nos. 408 and 444 of the Corporation of the Village of Bradford; By-law No. 21 of the Corporation of the Village of Cookstown; By-law No. 316 of the Corporation of the Village of Drayton; By-law No. 10 of the Corporation of the Village of Oil Springs; By-law No. 258 of the Corporation of the Village of Tottenham; By-law No. 265 of the Corporation of the Village of Wellington; By-law No. 28 of the Police Village of Brigden; By-law No. 712 of the Police Village of Moorefield; By-law No. 439 and By-law No. 440, as amended by By-law No. 453 of the Police Village of Omemee; By-laws Nos. 630 and 654 of the Corporation of the Township of Brock; By-law No. 296 of the Corporation of the Township of Clinton; By-law No. 9 of 1917 of the Corporation of the Township of Derby; By-law No. 470 of the Corporation of the Township of Mara; By-law No. 23 of the Corporation of the Township of Stamford; By-law No. 247 of the Corporation of the Township of Thorah; By-law No. 997 of the Corporation of the Township of Whitby; By-law No. 1189 of the Township of Etobicoke, and By-law 826 of the Corporation of the Township of East Whitby are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof, respectively, and shall not be open to question upon any ground whatsoever, notwithstanding the requirements of *The Power Commission Act* or the amendments thereto or any other statute.

17. The Municipal Corporation of the City of Chatham, the Municipal Corporation of the Town of Aylmer, the Municipal Corporation of the Town of Parkhill, the Municipal Corporation of the Village of Drayton, the Municipal Corporation of the Village of Oil Springs, the Police Village of Brigden, the Police Village of Moorefield, the Municipal Corporation of the Township of Clinton and the Municipal Corporation of the Township of Stamford are added as parties of the second part of the contract set out in Schedule "A"

Certain corporations added as parties to contract with Commission.

"A" to *The Power Commission Act, 1909*, as varied, confirmed and amended by the said Act, and as further varied, confirmed and amended by the Act passed in the tenth year of the reign of His late Majesty King Edward VII, chaptered 16, and by subsequent Acts and by this Act, and the said contract shall be binding upon the parties thereto respectively, as to the City of Chatham, from the 3rd day of October, 1915; as to the Town of Aylmer from the 15th day of May, 1917; as to the Town of Parkhill from the 5th day of November, 1917; as to the Village of Drayton from the 5th day of July, 1917; as to the Village of Oil Springs from the 9th day of April, 1917; as to the Police Village of Bridgen from the 20th day of March, 1917; as to the Police Village of Moorefield from the 25th day of September, 1917; as to the Township of Clinton from the 14th day of November, 1917, and as to the Township of Stamford from the 12th day of March, 1917.

Additions
to contract
for Niagara
Falls
system.

18. The names of the said municipal corporations are added to Schedule "B" of the said contract, and such schedule shall be read as containing the particulars set out in Schedule "A" to this Act.

Contracts
confirmed.

19. The agreements set out as Schedules "B," "C," "D," "E," "F," "G," "H," "I," "J," "K," "L," "M," "N," "O," "P," "Q," "R," "S," "T," and "U" between the City of Fort William, the City of Port Arthur, the Town of Alliston, the Town of Hanover, the Town of Perth, the Town of Picton, the Town of Smith's Falls, the Village of Beeton, the Village of Bloomfield, the Village of Bradford, the Village of Cookstown, the Village of Tottenham, the Village of Wellington, the Police Village of Omemee, the Township of Brock, the Township of Derby, the Township of Thorah, the Township of Whitby, the Township of East Whitby and the Commission and the Agreement for purchase of Stock in Company by the Hydro-Electric Power Commission of Ontario, between John Joseph Albright, The Hydro-Electric Power Commission of Ontario, His Majesty the King, The Ontario Power Company of Niagara Falls, The Ontario Transmission Company, Limited, and Niagara, Lockport and Ontario Power Company, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto respectively, and shall not be open to question upon any ground whatsoever, notwithstanding the requirements of *The Power Commission Act*, or amendments thereto or any other statute.

SCHEDULE "A."

Name of Municipal Corporation.	Quantity of Power Applied for in H.P.		Maximum Price of Power at Niagara Falls.		*Number of Volts.	Estimate maximum cost of power ready for distribution in Municipality.		Estimate proportionate part of costs to construct transmission line, transformer station and works for nominally 30,000 H.P., with total capacity of 60,000 H.P.		Estimate proportionate part of line loss and of part cost to operate, maintain, repair, renew and insure transmission line, transformer stations and works for nominally 30,000 H.P., with total capacity of 60,000 H.P.	
						\$	c.	\$	c.	\$	c.
Chatham	1,000	..	..	..	..	30	78	1,929	70	10,588	00
Aylmer	200	..	..	..	..	39	00	540	52	2,865	00
Parkhill	75	..	..	..	..	75	23	408	13	1,978	00
Drayton	100	..	..	..	..	60	45	468	47	2,259	00
Oil Springs	75	..	..	..	..	38	54	194	72	1,021	00
Brigden	50	..	..	..	..	57	56	203	74	1,129	00
Moorefield	25	..	..	..	..	63	92	125	16	598	00
Clinton Township .....	..	..	..	..	..	..	..	..	..	..	..
Stamford Township ...	400	..	..	..	..	16	57	123	28	998	00

*Number required by each Corporation.

SCHEDULE "B."

This Indenture made in duplicate the tenth day of October in the year of our Lord nineteen hundred and seventeen (1917).

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the City of Fort William, hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities, known as *The Power Commission Act*, and amendments thereto, the Corporation has passed the necessary enabling by-law and received from the Commission estimates on the cost of electric power or energy delivered to the Corporation, and the ratepayers of the Corporation assented to the by-laws authorizing the Corporation to enter into such an agreement with the Commission for such power;

And whereas, in accordance with the powers conferred by Legislature upon the Commission by the said Act and amendments thereto, the Commission intends either to purchase, acquire or construct generating stations, hydraulic plants, lines, sub-stations and all works in connection therewith required for the purpose of supplying power hereunder, or to enter into an agreement with one or more power generating companies or individuals for a supply of power required hereunder, and to construct the necessary stations, plant, lines and equipment to transmit, transform and deliver said power to the Corporation;

And whereas the purchase of, acquiring of or the construction of the said generating station, hydraulic plant, works, lines, sub-stations and equipment, or the purchase of said power and the construction of the necessary stations, plant, lines and equipment will be made for the purpose of supplying to better advantage and with greater efficiency the power requirements of the various municipalities located in the District of Thunder Bay;

And whereas the Corporation is now receiving electric power or energy under agreements with the Kaministiquia Power Company, Limited, dated March the fourteenth, nineteen hundred and sixteen and nineteen hundred and five;

And whereas it is the intention of the Corporation to take all excess power, over and above that required by the power agreement between the Corporation and the Kaministiquia Power Company aforesaid during the life of said agreement, from the Commission;

And whereas it is the intention of the Corporation to take power exclusively from the Commission after the expiration of the said power agreements with the Kaministiquia Power Company.

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreements of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the Commission and the Corporation mutually agree with each other as follows:—

2. The Commission agrees:—

(a) To reserve and deliver within a reasonable time after the receipt of written notice from the Corporation three thousand horsepower (3,000 H.P.) or more of electrical power or energy to the Corporation.

(b)

(b) At the expiration of reasonable notice in writing which may be given by the Corporation from time to time during the continuance of this agreement, to reserve for and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four hour (24 hour) power every day in the year to the Corporation at the distribution bus bars in the Commission's sub-station within the Corporation's limits.

(e) To take all necessary steps and make all necessary agreements and do all necessary work to either purchase power or purchase, acquire or construct the necessary electric power-generating stations, hydraulic plants, lines, sub-stations and works for the purposes of this agreement.

3. The Corporation agrees:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) Beginning on the date of expiration of the existing power agreement, dated nineteen hundred and five, between the Corporation and the Kaministiquia Power Company, Limited, or should the Corporation hereafter order by written notice hereunder a supply of power to be held in reserve by the Commission prior to that date, then beginning on the date when said power ordered is ready for delivery to the Corporation:

To pay annually, interest at the rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken or held in reserve for the Corporation) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such an amount as to form at the end of forty (40) years with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all moneys advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract.

Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of power purchased or generated and the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works, subject to adjustment under clause 7 of this agreement.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto. Bills shall be rendered by the Commission on or before the fifth

(5th)

(5th) day of each month and paid by the Corporation on or before the last day of each month. If any bill remains unpaid for fifteen (15) days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until such bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take all electric power or energy in excess of that required to be taken under said power agreements with the Kaministiquia Power Company, from the Commission, during the remaining life of said agreements. To cancel and terminate, at their expiration, the said agreements with the Kaministiquia Power Company, and thereafter take electric power exclusively from the Commission for the life of the within agreement. Nothing herein contained shall be construed to compel the Corporation during the remaining life of the said agreements with the Kaministiquia Power Company to order part of its power from the Commission unless the quantity desired to be so taken can be supplied by the Commission at a cost equal to or better than the cost of power from the Kaministiquia Power Company as set forth and contained in the present agreements with the Corporation dated nineteen hundred and five and March the fourteenth, nineteen hundred and sixteen.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act and any amendments thereto.

(f) To pay as a minimum for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty (20) consecutive minutes during any month shall exceed during the twenty (20) consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for the greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average for a period of twenty (20) consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power, in accordance with the terms and conditions of this contract.

(h) When the power factor at any time falls below ninety per cent. (90%) the Corporation shall pay for ninety per cent. (90%) of the kilovolt amperes, providing that said ninety per cent. (90%) of said kilovolt amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(i) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

4. This agreement shall remain in force for forty (40) years from the twenty-sixth of April, Nineteen hundred and twenty, subject to section 10 hereof.

5. It is further mutually agreed:—

(a) The power shall be alternating, three-phase, having a periodicity of approximately sixty (60) cycles per second and shall be delivered, as aforesaid, at a voltage suitable for local distribution.

(b) That the meters for measuring the power supplied hereunder, with their series and potential transformers, shall be connected at the point of delivery, or at any other point as may be decided by the Commission.

(c) That the maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when the voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electrical characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

6. The Engineers of the Commission, or one or more of them or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant and property of the Corporation, and take records at all reasonable hours.

7. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other Municipal Corporation, or, pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved Corporation or Corporations, in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application, without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company, without the written consent of the Commission. Power shall not be sold for less than the cost, and there shall be no discrimination as regards price and quantity.

8. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation or Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for
all

all moneys expended by the Commission under this agreement, and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any), supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

9. If differences arise on power matters between Corporations to which the Commission is supplying power the Commission may, upon application, fix a time and place to hear all representations that may be made by the parties, and the Commission shall, in a summary manner when possible, adjust such differences, and such adjustment shall be final.

The Commission shall have all the powers that may be conferred upon a Commission appointed under the *Act respecting Enquiries Concerning Public Matters*.

10. Notwithstanding anything herein contained to the contrary, it is hereby understood and agreed that this agreement shall come into effect upon the date of its approval by the Lieutenant-Governor in Council, or its ratification by the Legislature of the Province of Ontario.

11. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof, the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Signed) A. BECK, *Chairman*.

(SEAL)

(Signed) W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE CITY OF
FORT WILLIAM.

(Signed) H. MURPHY, *Mayor*.

(SEAL)

(Signed) A. McNAUGHTON, *Clerk*.

SCHEDULE "C."

This Indenture made in duplicate the seventh day of May, in the year of our Lord one thousand nine hundred and seventeen (1917),

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the City of Port Arthur, hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to Municipalities, known as *The Power Commission Act*, and amendments thereto, the Commission entered into an agreement with the Corporation for a supply of electrical energy dated

dated the thirteenth day of January, one thousand nine hundred and ten (1910) (and the ratepayers of the Corporation assented to the by-laws authorizing the Corporation to enter into such an agreement with the Commission for such power);

And whereas in accordance with the powers conferred by Legislature upon the Commission by the said Act and amendments thereto, the Commission intends either to purchase, acquire or construct generating stations, hydraulic plants, lines, sub-stations and all works in connection therewith required for the purpose of supplying power hereunder, or to enter into an agreement with one or more power generating companies or individuals for a supply of power required hereunder, and to construct the necessary stations, plant, lines and equipment to transmit, transform and deliver said power to the Corporation;

And whereas the purchase of, acquiring of, or the construction of the said generating station, hydraulic plant, works, lines, sub-stations and equipment, or the purchase of said power and the construction of the necessary stations, plant, lines and equipment will be made for the purpose of supplying to better advantage and with greater efficiency the power requirements of the various municipalities located in the district of Thunder Bay;

And whereas in order to meet such changed conditions it is the intention of both parties hereto that the present power agreement dated January thirteenth, one thousand nine hundred and ten (1910) be superseded upon its termination by this agreement.

1. Now, therefore, this indenture witnesseth that in consideration of the premises and of the agreements of the Corporation herein set forth, subject to the provisions of the said Act, and amendments thereto, the Commission and the Corporation mutually agree with each other as follows:

2. The Commission agrees:—

(a) To reserve for and deliver to the Corporation on or before the twenty-sixth day of April, 1920, ten thousand horse-power (10,000 h.p.) or more of electrical power or energy.

(b) At the expiration of reasonable notice in writing which may be given by the Corporation from time to time during the continuance of this agreement, to reserve for and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's sub-station within the Corporation's limits.

(e) To take all necessary steps and make all necessary agreements and do all necessary work to either purchase power or purchase, acquire or construct the necessary electric power generating stations, hydraulic plants, lines, sub-stations and works for the purposes of this agreement.

3. The Corporation agrees:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b)

(b) To pay annually, 'interest at the rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken, or held in reserve for the Corporation) 'of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and 'other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such an amount as to form at the end of forty (40) years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all moneys advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other work necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract.

Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of power purchased or generated and lost power, the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works. Subject to adjustment under clause 7 of this agreement.

(c) The amounts payable under this contract shall be paid in twelve (12) monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the fifth (5th) day of each month and paid by the Corporation on or before the fifteenth (15th) day of each month. If any bill remains unpaid for fifteen (15) days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until such bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement and of the said Act and any amendments thereto.

(f) To pay as a minimum for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty (20) consecutive minutes during any month shall exceed during the twenty (20) consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount of power during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty (20) consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor at any time falls below ninety per cent. (90 per cent.) the Corporation shall pay for ninety per cent.

(90 per cent.) of the kilovolt amperes, providing that said ninety per cent. (90 per cent.) of said kilovolt amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(i) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

4. This agreement shall remain in force for forty (40) years from the expiration of the said agreement between the parties hereto and dated the thirteenth day of January, one thousand nine hundred and ten (1910), subject to section 10 hereof.

5.—(a) The power shall be alternating, three-phase, having a periodicity of approximately sixty (60) cycles per second and shall be delivered as aforesaid at a voltage suitable for local distribution.

(b) That the meters for measuring the power supplied hereunder, with their series and potential transformers, shall be connected at the point of delivery, or at any other point as may be decided by the Commission.

(c) That the maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when the voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electrical characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

6. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

7. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power, and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other Municipal Corporation, or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved Corporation or Corporations in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred and paid, and to be paid by the Corporation, appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking

ing power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost and there shall be no discrimination as regards price and quantity.

8. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation or Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

9. If differences arise on power matters between Corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place to hear all representations that may be made by the parties and the Commission shall, in a summary manner, where possible, adjust such differences and such adjustment shall be final.

The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the *Act respecting Enquiries Concerning Public Matters*.

10. Notwithstanding anything herein contained to the contrary, it is hereby understood and agreed that this agreement shall come into effect upon the date of its approval by the Lieutenant-Governor in Council, or its ratification by the Legislature of the Province of Ontario, and that the said agreement between the parties hereto bearing date the thirteenth day of January, one thousand nine hundred and ten (1910) shall be terminated on the twenty-sixth day of April, 1920, and be superseded by this agreement.

11. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness where the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(SEAL.)

A. BECK, *Chairman*.

W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE CITY OF PORT ARTHUR.

(SEAL.)

W. MARRIGAN, *Acting Mayor*.

T. F. MILNE, *Clerk*.

SCHEDULE

SCHEDULE "D."

This Indenture made in duplicate the 7th day of June, in the year of Our Lord, 1917,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Town of Alliston, hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities, known as *The Power Commission Act* and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation assented to the by-laws authorizing the Corporation to enter into a contract with the Commission for such power).

1. Now, therefore, this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporation:

(a) To reserve and deliver at the earliest possible date two hundred and fifty (250) h.p. or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuously 24 hour power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually interest at rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken), of all monies expended by the Commission on capital account for the acquiring of properties and rights the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also

Also to pay an annual sinking fund instalment of such amount as to form at the end of 30 years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all monies advanced by the Province of Ontario, for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other work necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of lost power and of the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary work. Subject to adjustment under clause 6 of this agreement.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor at any time falls below ninety per cent. (90%) the Corporation shall pay for ninety per cent. (90%) of the kilovolt amperes, providing that said ninety per cent. (90%) of said kilovolt amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(i) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

3. This agreement shall remain in force for thirty years from date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second and shall be delivered as aforesaid at a voltage suitable for local distribution.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and qualities, are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporations or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved Corporation or Corporations in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost and there shall be no discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation or Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all monies expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission

shall

shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission having regard to the amounts paid by them respectively under the terms of this agreement, and such other consideration as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between Corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under the *Act Respecting Enquiries Concerning Public Matters*.

9. This agreement shall extend to be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(SEAL.)

A. BECK, *Chairman*.

W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE TOWN OF ALLISTON.

(SEAL.)

J. H. MITCHELL, *Mayor*.

J. E. ADDIS, *Clerk*.

SCHEDULE "E."

This Indenture, made in duplicate the 8th day of June in the year of our Lord, on thousand nine hundred and seventeen.

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Town of Hanover, hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities known as *The Power Commission Act* and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation assented to the by-laws authorizing the Corporation to enter into a contract with the Commission for such power).

1. Now, therefore, this Indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporation:

(a)

(a) To reserve and deliver at the earliest possible date three hundred (300) horse power or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuously 24-hour power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually, interest at rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken), of all monies expended by the Commission on capital account for the acquiring of properties and rights the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such amount as to form at the end of thirty years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all monies advanced by the Province of Ontario, for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other work necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of lost power and of the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary work. Subject to adjustments under clause 6 of this agreement.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from

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the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor at any time falls below ninety per cent. (90%) the Corporation shall pay for ninety per cent. (90%) of the kilovolt amperes, providing that said ninety per cent (90%) of said kilovolt amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(i) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

3. This agreement shall remain in force for thirty years from date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second and shall be delivered as aforesaid at a voltage suitable for local distribution.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and qualities, are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other Municipal Corporation, or pursuant to said Act, any railway or distributing company, or any other Corporations or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved Corporation or Corporations in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions, as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant other than a Municipal Corporation shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost and there shall be no discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation or Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all monies expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission having regard to the amounts paid by them respectively under the terms of this agreement, and such other consideration as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If difference arise between Corporations to which the Commission is supplying power, the Commission may upon application fix a time and place and hear all representations that may be made by the parties and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the Act respecting enquiries concerning public matters.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman.*

(SEAL.)

W. W. POPE, *Secretary.*

MUNICIPAL CORPORATION OF THE TOWN OF HANOVER.

A. B. TAYLOR, *Mayor.*

(SEAL.)

JOHN TAYLOR, *Clerk.*

SCHEDULE

SCHEDULE "F."

This Indenture, made in duplicate the 26th day of November, in the year of our Lord one thousand, nine hundred and seventeen (1917).

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Town of Perth, hereinafter called the "Corporation," party of the second part.

Whereas the Corporation, under the provisions of *The Power Commission Act* and amendments thereto, Revised Statutes of Ontario, Chapter 39, has applied to the Commission for a supply of power and has passed a By-law No. 1261, passed the 10th day of October to authorize the execution of an agreement therefor.

And whereas in accordance with the powers conferred by Legislature upon the Commission by the said Act and amendments thereto, the Commission intends either to purchase, acquire or construct generating stations, hydraulic plants, lines, substations and all works in connection therewith required for the purpose of supplying power hereunder, or to enter into an agreement with one or more power generating companies or individuals for a supply of power required hereunder, and to construct the necessary stations, plant, lines and equipment to transmit, transform and deliver power to the Corporation.

Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:

1. The Commission agrees:—

(a) To reserve and deliver at the earliest possible date five hundred (500) horse power, or more, of electrical power to the Corporation.

(b) At the expiration of reasonable notice, in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. The Corporation agrees:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b)

(b) To pay annually in twelve (12) equal monthly instalments, interest upon its proportionate part (based on the quantity of electrical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

To pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, purchasing of power and the cost of the said construction, so as to form in thirty (30) years a sinking fund for the retirement of securities issued by the Province of Ontario.

Also to bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said generating plants, transformer stations, transmission lines, distributing stations, and other necessary works.

All payments under this clause shall be subject to adjustment under paragraph 6.

(c) The amounts payable in accordance with clause 2 (b) shall be paid in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bills remain unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take power exclusively from the Commission during the continuance of this agreement.

(e) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month exceeds during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the contract average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(f) To take and use the three-phase power at all times in such manner that the power factor, i.e., the ratio of the kilowatts to the kilovolt-amperes is a maximum, but, in any event, the Corporation shall pay for 90 per cent. of the maximum kilovolt-amperes considered as true power factor or kilowatts. The maximum in kilovolt-amperes or kilowatts shall be taken as the maximum average of integrated demand over any twenty consecutive minutes.

(g) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission, and to exercise all due skill and diligence so as to secure satisfactory

operation of the plant and apparatus of the Commission and of the Corporation.

(h) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission and in all other respects to carry out the objects of this agreement, and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant, and property of the Corporation, and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporations, and other Municipal Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and other Municipal Corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation, in writing of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works, or any part thereof, are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application, without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such corporation, but such corporation shall not be liable for payment for any portion of the power so supplied. No power shall be

supplied

supplied by the Municipal Corporation to any railway or distributing company, without the written consent of the Commission, but the Corporation may sell power to any person or persons, or manufacturing companies within the limits of the Corporation, but such power shall not be sold for less than cost; neither shall there be any discrimination as regards price and quantity.

9. If differences arise between Corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under *The Act respecting Enquiries concerning Public Matters*.

10. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their Corporate Seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*.

(SEAL.)

W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE TOWN OF PERTH.

JAS. J. HANDS, *Mayor*.

(SEAL.)

JOHN A. KERR, *Clerk*.

SCHEDULE "G."

This Indenture, made in duplicate the 6th day of September, in the year of our Lord, one thousand nine hundred and seventeen (1917),

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Town of Picton, hereinafter called the "Corporation," party of the second part.

Whereas the Corporation, under the provisions of *The Power Commission Act* and amendments thereto, Revised Statutes of Ontario, Chapter 39, has applied to the Commission for a supply of power and has passed a By-law No. 265, passed the 30th day of July, 1915, to authorize the execution of an agreement therefor.

Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the parties agree each with the other as follows:

1. The Commission agrees:—

(a) To reserve and deliver at the earliest possible date, two hundred (200) horse power, or more, of electrical power to the Corporation.

(b)

(b) At the expiration of reasonable notice, in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour-power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. The Corporation agrees:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually in twelve (12) equal monthly instalments, interest upon its proportionate part (based on the quantity of electrical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

To pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, and the cost of the said construction, so as to form in thirty (30) years a sinking fund for the retirement of securities issued by the Province of Ontario.

Also to bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said generating plants, transformer stations, transmission lines, distributing stations, and other necessary works.

All payments under this clause shall be subject to adjustment under paragraph 6.

(c) The amounts payable in accordance with clause 2 (b) shall be paid in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bills remain unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisions and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month exceeds during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

When the power factor of the highest average amount of power taken for said twenty consecutive minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of the kilovolt amperes provided that said ninety per cent. (90%) of said kilovolt amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(f) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

(g) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant, and property of the Corporation, and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporations and other Municipal Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporations and other Municipal Corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If at any time any other Municipal Corporation, or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation, in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may

may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works, or any part thereof, are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application, without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company, without the written consent of the Commission, but the Corporation may sell power to any person or persons, or manufacturing companies within the limits of the Corporation, but such power shall not be sold for less than cost; neither shall there be any discrimination as regards price and quantity.

9. If differences arise between Corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under the *Act respecting Enquiries concerning Public Matters*.

10. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof, the Commission and the Corporation have respectively affixed their Corporate Seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*,
W. W. POPE, *Secretary*.

(SEAL.)

MUNICIPAL CORPORATION OF THE TOWN OF PICTON.

A. W. HEASLIP, *Mayor*,
P. C. MACNEE, *Clerk*.

(SEAL.)

SCHEDULE "H."

This Indenture, made in duplicate the seventh day of September, in the year of our Lord one thousand, nine hundred and seventeen (1917),

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Town of Smith's Falls, hereinafter called the "Corporation," party of the second part.

Whereas the Corporation, under the provisions of *The Power Commission Act* and amendments thereto, Revised Statutes of Ontario, chapter 39, has applied to the Commission for a supply of power and has passed a by-law No. 1301, passed the 6th day of September, 1917, to authorize the execution of an agreement therefor.

Now therefore this Indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:

1. The Commission agrees:

(a) To reserve and deliver at the earliest possible date five hundred (500) horse power, or more, of electrical power to the Corporation.

(b) At the expiration of reasonable notice, in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. The Corporation agrees:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually in twelve (12) equal monthly instalments, interest upon its proportionate part (based on the quantity of electrical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

To pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring

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of the said properties and rights, and the cost of the said construction, so as to form in thirty (30) years a sinking fund for the retirement of securities issued by the Province of Ontario.

Also to bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew, and insure the said generating plants, transformer stations, transmission lines, distributing stations, and other necessary works.

All payments under this clause shall be subject to adjustment under paragraph 6.

(c) The amounts payable in accordance with clause 2 (b) shall be paid in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bills remain unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month exceeds during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(e) To take and use the three-phase power at all times in such manner that the power factor, i.e., the ratio of the kilowatts to the kilovolt-amperes is a maximum, but, in any event, the Corporation shall pay for 90% of the maximum kilovolt-amperes considered as true power factor or kilowatts. The maximum in kilovolt-amperes or kilowatts shall be taken as the maximum average or integrated demand over any ten consecutive minutes.

(f) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

(g) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant, and property of the Corporation, and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporations and other Municipal Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporations and other Municipal Corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If at any time any other Municipal Corporation, or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works, or any part thereof, are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application, without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company, without the written consent of the Commission, but the Corporation may sell power to any person or persons, or manufacturing companies within the limits of the Corporation, but such power shall not be sold for less than cost; neither shall there be any discrimination as regards price and quantity.

9. If differences arise between Corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under the *Act Respecting Enquiries Concerning Public Matters*.

10. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their Corporate Seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(SEAL.)

A. BECK, *Chairman.*

W. W. POPE, *Secretary.*

MUNICIPAL CORPORATION OF THE TOWN OF SMITH'S FALLS.

(SEAL.)

J. F. MONTGOMERY, *Mayor.*

J. A. LEWIS, *Clerk.*

SCHEDULE "I."

This Indenture made in duplicate the 7th day of September, in the year of our Lord, 1917,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Village of Beeton, located in Simcoe County, Ontario, hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the Transmission of Electrical Power to Municipalities, known as *The Power Commission Act* and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation consented to the By-law No. 358 authorizing the Corporation to enter into a contract with the Commission for such power).

1. Now, therefore, this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporation.

(a) To reserve and deliver at the earliest possible date one hundred and twenty-five horse power (125 h.p.) or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution
bus

bus bars in the Commission's substation within the Corporation's limits.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually, interest at rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such amount as to form at the end of thirty (30) years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all moneys advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other work necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of lost power and of the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works. Subject to adjustment under clause 6 of this agreement.

(c) The accounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the fifth day and paid by the Corporation on or before the fifteenth day of each month. If any bill remains unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission and in all other respects to carry out the object of this agreement and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the highest average amount of power taken for any twenty (20) consecutive minutes during any month shall exceed during the twenty (20) consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty

(20) consecutive minutes the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor of the highest average amount of power taken for said twenty (20) consecutive minutes falls below ninety per cent. (90%) the Corporation shall pay for ninety per cent. (90%) of the kilovolt amperes, providing that said ninety per cent. (90%) of said kilovolt amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(i) To use at all times first-class, modern, standard, commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

3. This agreement shall remain in force for thirty (30) years from date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately sixty (60) cycles per second and shall be delivered at a voltage suitable for local distribution.

(a) The meters with their series and potential transformers shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The Engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall, at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other Municipal Corporation, or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved Corporation or Corporations in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time such application is made, without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost and there shall be no discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation or Corporations supplied by the Commission but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between Corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties and the Commission shall, in summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commission or appointed under the *Act respecting Enquiries concerning Public Matters*.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*.

W. W. POPE, *Secretary*.

(SEAL.)

VILLAGE OF BEETON.

W. T. STEWART, *Reeve*.

JOSEPH WRIGHT, *Clerk*.

(SEAL.)

SCHEDULE "J."

This Indenture, made in duplicate the 14th day of September, in the year of our Lord, one thousand nine hundred and seventeen (1917),

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Village of Bloomfield, hereinafter called the "Corporation," party of the second part.

Whereas the Corporation, under the provisions of *The Power Commission Act* and amendments thereto, Revised Statutes of Ontario, Chapter 39, has applied to the Commission for a supply of power and has passed a By-law No. 265, passed the 30th day of July, 1915, to authorize the execution of an agreement therefor.

Now therefore this Indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:

1. The Commission agrees:—

(a) To reserve and deliver at the earliest possible date fifty (50) horse power, or more, of electrical power to the Corporation.

(b) At the expiration of reasonable notice, in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour-power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. The Corporation agrees:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually in twelve (12) equal monthly instalments, interest upon its proportionate part (based on the quantity of electrical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

To pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, and the cost of the said con-

struction

struction, so as to form in thirty (30) years a sinking fund for the retirement of securities issued by the Province of Ontario.

Also to bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew, and insure the said generating plants, transformer stations, transmission lines, distributing stations, and other necessary works.

All payments under this clause shall be subject to adjustment under paragraph 6.

(c) The amounts payable in accordance with clause 2 (b) shall be paid in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bills remain unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month exceeds during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

When the power factor of the highest average amount of power taken for said twenty consecutive minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of the kilovolt amperes provided that the said ninety per cent. (90%) of said kilovolt amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(f) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

(g) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant, and property of the Corporation, and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporations and other Municipal Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporations and other Municipal Corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If at any time any other Municipal Corporation, or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation, in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works, or any part thereof, are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application, without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company, without the written consent of the Commission, but the Corporation may sell power to any person or persons, or manufacturing companies within the limits of the Corporation, but such power shall not be sold for less than cost; neither shall there be any discrimination as regards price and quantity.

9. If differences arise between Corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under the *Act respecting Enquiries concerning Public Matters*.

10. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof, the Commission and the Corporation have respectively affixed their Corporate Seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman.*

W. W. POPE, *Secretary.*

(SEAL.)

MUNICIPAL CORPORATION OF THE VILLAGE OF
BLOOMFIELD.

S. EDGAR MASTEN, *Reeve.*

CHARLES H. TAYLOR, *Clerk.*

(SEAL.)

SCHEDULE "K."

This Indenture made in duplicate the 8th day of December, in the year of our Lord 1917,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Town of Bradford, located in Simcoe County, Ontario, hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the Transmission of Electrical Power to Municipalities, known as *The Power Commission Act* and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation consented to the By-laws authorizing the Corporation to enter into a contract with the Commission for such power).

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporation:

(a) To reserve and deliver at the earliest possible date two hundred horse power (200 h.p.) or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually, interest at rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken), of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such amount as to form at the end of thirty (30) years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all moneys advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other work necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of lost power and of the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works. Subject to adjustment under Clause 6 of this agreement.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the fifth day and paid by the Corporation on or before the fifteenth day of each month. If any bill remains unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission and in all other respects to carry out the object of this agreement and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty (20) consecutive minutes during any month shall exceed during the twenty (20) consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty (20) consecutive minutes the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve,

such increased quantity of power, in accordance with the terms and conditions of this contract.

(h) When the power factor of the highest average amount of power taken for said twenty (20) consecutive minutes falls below ninety per cent. (90%), the Corporation shall pay for ninety per cent. (90%) of the kilovolt amperes, providing that said ninety per cent. (90%) of said kilovolt amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(i) To use at all times first-class, modern, standard, commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

3. This agreement shall remain in force for thirty (30) years from date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately sixty (60) cycles per second and shall be delivered at a voltage suitable for local distribution.

(a) The meters, with their series and potential transformers, shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The Engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall, at least annually, adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other Municipal Corporation, or pursuant to said Act, any railway or distributing Company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved Corporation or Corporations in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions, as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation

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taking power from the Commission at the time such application is made, without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost and there shall be no discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation or Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between Corporations to which the Commission is supplying power, the Commission may upon application fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commission or appointed under the *Act respecting Enquiries concerning Public Matters*.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(SEAL.)

A. BECK, *Chairman*.

W. W. POPE, *Secretary*.

TOWN OF BRADFORD.

(SEAL.)

A. E. SCANLON, *Mayor*.

GEO. G. GREEN, *Clerk*.

SCHEDULE "L."

This Indenture made in duplicate the 10th day of September in the year of our Lord 1917,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Police Village of Cookstown, located in Innisfil, Essa, Tecumseh and West Gwillimbury Townships, Simcoe County, Ontario, hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities, known as *The Power Commission Act* and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation consented to the By-law No. 21, authorizing the Corporation to enter into a contract with the Commission for such power).

1. Now, therefore, this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporation.

(a) To reserve and deliver at the earliest possible date, seventy-five horse-power (75 h.p.) or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually, interest at rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also

Also to pay an annual sinking fund instalment of such amount as to form at the end of thirty (30) years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all moneys advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other work necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of lost power and of the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works. Subject to adjustment under clause 6 of this agreement.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the fifth day and paid by the Corporation on or before the fifteenth day of each month. If any bill remains unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission and in all other respects to carry out the objects of this agreement and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the highest average amount of power taken for any twenty (20) consecutive minutes during any month shall exceed during the twenty (20) consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty (20) consecutive minutes the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor of the highest average amount of power taken for said twenty (20) consecutive minutes falls below ninety per cent. (90%) the Corporation shall pay for ninety per cent. (90%) of the kilovolt amperes, providing that said ninety per cent. (90%) of said kilovolt amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(i) To use at all times first-class, modern, standard, commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately sixty (60) cycles per second and shall be delivered at a voltage suitable for local distribution.

(a) The meters with their series and potential transformers shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and quantities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The Engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall, at least annually, adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other Municipal Corporation, or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved Corporation or Corporations in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions, as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time such application is made, without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost and there shall be no discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation or Corporations supplied by the Commission, but
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the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between Corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the *Act respecting Enquiries concerning Public Matters*.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*,
W. W. POPE, *Secretary*.

(SEAL)

THE POLICE VILLAGE OF COOKSTOWN.

H. L. DUNNING.
F. H. ROBINSON.
C. H. CAMPBELL.

(SEAL)

SCHEDULE "M."

This indenture made in duplicate the 16th day of October, in the year of our Lord 1917.

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Village of Tottenham, located in Simcoe County, Ontario, hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities, known as *The Power Commission Act* and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation consented to By-law No. 258, authorizing the Corporation to enter into a contract with the Commission for such power)

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth

forth, subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporation:

(a) To reserve and deliver at the earliest possible date one hundred and twenty-five horse-power (125 h.p.) or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence, so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement, so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually, interest at rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such amount as to form at the end of thirty (30) years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, on all moneys advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other work necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of lost power and of the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works. Subject to adjustment under clause 6 of this agreement.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the fifth day and paid by the Corporation on or before the fifteenth day of each month. If any bill remains unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisions and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the object of this agreement and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty (20) consecutive minutes during any month shall exceed during the twenty (20) consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty (20) consecutive minutes the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor of the highest average amount of power taken for said twenty (20) consecutive minutes falls below ninety per cent. (90%) the Corporation shall pay for ninety per cent. (90%) of the kilovolt amperes, providing that said ninety per cent. (90%) of said kilovolt amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(i) To use at all times first-class, modern, standard, commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

3. This agreement shall remain in force for thirty (30) years from date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately sixty (60) cycles per second and shall be delivered at a voltage suitable for local distribution.

(a) The meters with their series and potential transformers shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall, at least annually, adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other Municipal Corporation, or pursuant to said Act, any railway or distributing Company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved Corporation or Corporations in writing of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred and paid and to be paid by the Corporation, appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time such application is made without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost, and there shall be no discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation or Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between Corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commission or appointed under the *Act respecting Enquiries concerning Public Matters*.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

A. BECK, *Chairman*.
W. W. POPE, *Secretary*.

(SEAL.)

VILLAGE OF TOTTENHAM.

JOHN McCABE, *Clerk*.
JAMES J. McKNIGHT, *Reeve*.

(SEAL.)

SCHEDULE

SCHEDULE "N."

This indenture, made in duplicate the 13th day of September, in the year of our Lord one thousand nine hundred and seventeen (1917).

Between:

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Village of Wellington, hereinafter called the "Corporation," party of the second part.

Whereas the Corporation, under the provisions of *The Power Commission Act* and amendments thereto, Revised Statutes of Ontario, chapter 39, has applied to the Commission for a supply of power and has passed a By-law No. 265, passed the 30th day of July, 1915, to authorize the execution of an agreement therefor.

Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:

1. The Commission agrees:

(a) To reserve and deliver at the earliest possible date seventy-five (75) horsepower, or more, of electrical power to the Corporation.

(b) At the expiration of reasonable notice, in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. The Corporation agrees:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually in twelve (12) equal monthly instalments, interest upon its proportionate part (based on the quantity of electrical energy or power taken), of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

To pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, and the cost of the said construction, so as to form in thirty (30) years a sinking fund for the retirement of securities issued by the Province of Ontario.

Also

Also to bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew, and insure the said generating plants, transformer stations, transmission lines, distributing stations, and other necessary works.

All payments under this clause shall be subject to adjustment under paragraph 6.

(c) The amounts payable in accordance with clause 2 (b) shall be paid in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bills remain unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month exceeds during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

When the power factor of the highest average amount of power taken for said twenty consecutive minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of the kilovolt amperes provided that the said ninety per cent. (90%) of said kilovolt amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(f) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

(g) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

8. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant and property

property of the Corporation, and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporations and other Municipal Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporations and other Municipal Corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If at any time any other Municipal Corporation, or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation, in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works, or any part thereof, are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application, without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to each Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company, without the written consent of the Commission, but the Corporation may sell power to any person or persons, or manufacturing companies within the limits of the Corporation, but such power shall not be sold for less than cost; neither shall there be any discrimination as regards price and quantity.

9. If differences arise between Corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under the *Act respecting Enquiries concerning Public Matters*.

10. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof, the Commission and the Corporation have respectively affixed their Corporate Seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*.

(SEAL.)

W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE VILLAGE OF WELLINGTON.

M. B. CLARKE, *Reeve*.

(SEAL.)

E. A. TITUS, *Clerk*.

SCHEDULE "O."

This Indenture made in duplicate the 4th day of April, in the year of our Lord, one thousand nine hundred and seventeen (1917),

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Village of Omemee, hereinafter called the "Corporation," party of the second part.

Whereas by *The Power Commission Act*, passed by the Legislature of the Province of Ontario, Revised Statutes of Ontario, 1914, chapter 39, and amendments thereto, it was, amongst other things enacted, that any Municipal Corporation might apply to the Hydro-Electric Power Commission of Ontario for the transmission to such Corporation of electric power and energy for the use of the Corporation and the inhabitants thereof, for lighting, heating and power purposes;

And whereas the Corporation has applied to the Commission for a supply of electrical power or energy;

And whereas the Commission is in possession of, and operating in trust for the Ontario Government, the power developments known as the Central Ontario System and can supply therefrom electrical energy sufficient for the needs of the Corporation;

And whereas the electors of the Corporation assented to by-laws authorizing the Corporation to enter into a contract with the Commission for such power.

Now, therefore, this indenture witnesseth:

That in consideration of the premises and of the agreements of the parties hereto each agree with the other as follows:

1. The Commission agrees:

(a) To reserve for and deliver to the Corporation fifty (50) or more horse-power of electrical power or energy at the point of delivery hereinafter specified.

(b)

(b) To reserve and deliver to the Corporation additional electrical power at the expiration of reasonable notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement.

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so that the service rendered to the Corporation hereunder shall be satisfactory.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year, except as provided for herein, at the point of delivery, viz., at the town limits on Sturgeon Street.

2. The Corporation agrees:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power covered by this agreement, so as to be able to receive power on the date of delivery.

(b) To take electric power exclusively from the Commission during the continuance of this agreement.

(c) To pay to the Commission for all power taken or held in reserve in monthly payments in gold coin at Toronto under the following schedule of rates:

For fifty (50) h.p. and up to seventy-five (75) h.p. at the rate of thirty-nine dollars and thirty-nine cents (\$39.39) per h.p. per annum.

When the amount of power taken and held in reserve for the Corporation has increased to seventy-five (75) h.p. or over the rate for all power taken shall be thirty-five dollars (\$35) per h.p. per annum.

Each month's payments are to be made as though the maximum amount taken during that month was taken for the whole month, save that paragraph (e) hereof shall govern the minimum.

(d) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it for twenty (20) consecutive minutes, the taking of such excess power shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission, as long as this greater amount does not exceed the maximum hereunder, to hold in reserve such increased quantity of power in accordance with the terms and conditions of this agreement.

(e) To pay each month to the Commission as a minimum for seventy-five per cent. (75%) of the power held in reserve for the Corporation at the rates fixed herein except as provided for in clause 5 (b) hereof.

(f) At all times to take and use the three-phase power in such a manner that the current will be equally taken from the three phases and in no case shall the difference between any two phases be greater than ten per cent. (10%).

(g) At all times to so take and use the three-phase power that the ratio of the kilowatts to the kilovolt-amperes is a maximum, but in any event the customer shall pay for at least ninety per cent. (90%) of the maximum kilovolt-amperes considered as true power or kilowatts. The maximum demand in kilowatt-amperes or kilowatts shall be taken as the maximum average or integrated demand over any twenty consecutive minutes.

One horse-power is defined as 0.746 kilowatts.

One kilowatt is defined as the produce of the instantaneous current, voltage and power-factor of the load as shown by a standard polyphase wattmeter and divided by 1,000.

One kilovolt-ampere is defined as the produce of the simultaneous average current per phase times the average voltage between phases, times 1.732 and divided by 1,000.

For the purposes of this agreement the kilovolt-amperes may be determined either directly by current and voltage measurements or by the kilowatts divided by the power-factor or by any other commercially accurate means as may be approved by the Commission.

The power-factor is defined as kilowatts divided by kilovolt-amperes.

(h) Bills shall be rendered by the Commission to the Corporation on or before the tenth day, and paid by the Corporation on or before the twentieth day of each calendar month.

If any bill remains unpaid for fifteen (15) days after the date thereof the Commission may, in addition to all other remedies, and without notice, discontinue the supply of power to the Corporation until the said bill is paid, and no such discontinuance by the Commission shall relieve the Corporation from the performance of the covenants, provisions and conditions herein contained.

All payments in arrears shall bear interest at the legal rate.

(i) To use at all times modern, standard, commercial apparatus and plant to be approved by the Commission from time to time, and to so operate and conduct the plant and apparatus as to cause minimum disturbances or fluctuations to the Commission's supply, and to exercise all due skill and diligence so as to secure the satisfactory operation of the plant and apparatus of both the Commission and the Corporation.

(j) Should it be expedient or necessary for the Commission, in order to deliver power hereunder, to construct or build poles, lines, cables, transformers; switches or other appliances or devices on, over or through the property of the Corporation, the Corporation hereby agrees to supply and arrange for such necessary rights-of-way free of cost, and satisfactory to the Commission for the life of this agreement, or renewals thereof, and for thirty (30) days thereafter, so that the Commission may build, erect, construct, operate, repair, maintain and remove any of said apparatus or devices belonging to the Commission.

3. The power delivered hereunder shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second and a pressure of approximately 4,000 volts between phase wires, subject to normal variations in both frequency and voltage.

4.—(a) Measurement of the power held in reserve or taken by the Corporation hereunder shall be made by means of a standard polyphase graphic recording wattmeter, and other meters as required, so arranged as to accurately measure and record the power taken by the Corporation.

The greatest average or integrated power demand made by the Corporation for twenty (20) consecutive minutes in any month, as shown by the aforementioned instruments, shall be used as basis of billing and paying for the power taken by the Corporation hereunder.

(b) The point of measuring the power covered by this agreement shall be at the substation, approximately one mile north of the village

village, on Sturgeon Street, and the instruments, with the necessary current and potential transformers for the measurements of power hereunder shall be provided, installed and maintained correct by the Commission.

(c) Whenever the said measuring instruments are connected at other than the point of delivery their reading shall be subject to a correction and shall be corrected to give a reading such as would be obtained by instruments connected at the point of delivery. Such corrections shall be based upon tests or calculations by the Commission.

(d) Should the point of measurement be located on the premises of the Corporation no rental charge shall be made to the Commission for the location of said instruments or transformers on the Corporation's premises.

(e) Access to said instruments and transformers belonging to the Commission shall be free to the Commission at any and all times and the Commission may test, calibrate or remove said measuring instruments and transformers at any reasonable time, but when possible the Corporation shall be advised at least seven days in advance of the Commission's intention to recalibrate, remove or change the measuring instruments.

(f) The Corporation shall have the right to test any such measuring instruments in the presence of a representative of the Commission, by giving to the Commission seven days' previous notice in writing of its desire to test such measuring instruments.

(g) The Commission shall repair or replace and retest defective meters or measuring equipment within a reasonable time, but, during the time there is no meter in service it shall be assumed that the power consumed is the same as for other days of the same month on which a similar load existed.

(h) The Corporation shall be responsible for any damage to the property or apparatus furnished by the Commission for the purpose of supplying or measuring power hereunder and installed on the Corporation's property, providing such damage originates from a source external to the said apparatus of the Commission, and is not due to defects in the apparatus of the Commission.

5.—(a) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the point of delivery shall constitute the supply of power involved herein and a fulfilment of all the operating obligations hereunder, and when the voltage and the frequency are so maintained the amount of power, its fluctuations, load factor, power factor, distribution as to phases, and all other characteristics and qualities are under the sole control of the Corporation, his agents, apparatus, appliances and circuits.

(b) In case the Commission shall at any time or times be prevented from delivering said power or any part thereof by strikes, lockouts, riot, fire, invasion, explosion, act of God, the King's enemies, or any other cause or causes reasonably beyond its control, then the Commission shall not be bound to deliver such power during such time and the Corporation shall not be bound to pay for such power during such time.

(c) The Commission shall be prompt and diligent in removing the cause of such interruption, but the Corporation shall not be bound to pay for such power during such time. As soon as the cause of such interruption is removed the Commission shall, without any delay, deliver the said power as aforesaid, and the Corporation shall take and use the same.

(d)

(d) It is further agreed hereby that the Commission shall have the right, at reasonable times and when possible, after due notice has been given to the Corporation, to discontinue the supply of power to the Corporation for the purposes of safeguarding life or property, or for the purpose of making repairs, renewals, or replacements to the lines or apparatus of the Commission, but all such interruptions shall be of a minimum duration and when possible arranged for at a time least objectionable to the Corporation.

Such interruptions shall not release the Corporation from his obligations to pay for or resume the use of power when service is restored.

6. A representative or engineer of the Commission appointed for this purpose may, at any reasonable time during the continuance of this agreement, have access to the premises of the Corporation for the purpose of inspecting the electrical apparatus, plant or property of the Corporation and to take records therefrom as required.

7. It is mutually agreed:

That this agreement shall be binding upon both parties hereto for a period of twenty (20) years, beginning on the day and date when power is first taken hereunder, and this agreement may be extended for a further term of five (5) years upon the mutual agreement of both parties hereto before three (3) months of the expiration of this agreement or any extension or renewal period.

8. The Commission shall be entitled at the termination of this agreement or any extension thereof, or within thirty (30) days thereafter, to remove from the Corporation's premises any and all plant or equipment which may have been installed by the Commission for the supply or measurement of power hereunder.

In witness whereof the said Commission and the said Corporation have duly affixed their respective seals and signatures of their respective officers this 4th day of April A.D., nineteen hundred and seventeen (1917).

Signed, sealed and delivered
in the presence of:

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman.*

W. W. POPE, *Secretary.*

(SEAL.)

THE MUNICIPAL CORPORATION OF THE VILLAGE OF
OMEMEE.

T. J. PARSONS, *Reeve.*

W. H. KENNEDY, *Clerk.*

(SEAL.)

SCHEDULE "P."

This Agreement made this 10th day of March, A.D. 1917,

Between

The Hydro-Electric Power Commission of Ontario, herein called the "Commission," party of the first part;

and

The Municipal Corporation of the Township of Brock, herein called the "Corporation," party of the second part.

Whereas pursuant to an Act to provide for the transmission of electrical power to municipalities, the Corporation applied to the Commission for a supply of power;

And whereas the Corporation under the provision of *The Power Commission Act* and amendments thereto and *The Power Commission Act*, Revised Statutes of Ontario, 1914, chapter 39, part 2, being "An Act to provide for the supply of electrical energy or power to individual users," has, at the request of a number of ratepayers (petitioners) applied to the Commission for a supply of electrical power or energy, and has passed a By-law No. 654 to authorize the execution of an agreement therefor;

And whereas the Commission has entered into contracts with power companies for such power, or has acquired or constructed generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of electrical energy or power to municipalities;

Now, therefore, this indenture witnesseth that in consideration of the premises and of the agreements herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:—

1. The Commission agrees:

(a) To reserve and deliver at the earliest possible date electrical power to the Corporation as required by the Corporation.

(b) At the expiration of thirty (30) days' notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electrical power as may be required from time to time.

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Corporation.

(d) Power shall be delivered to the Corporation at approximately 2,200 or 4,000 volts, or at any other primary voltage that may be available for the Corporation's use.

(e) To supply and construct all 2,200, 4,000 or other lines at primary voltage made necessary by contracts for electric service made between the Corporation and residents or users, within the township, from the Commission's transformer station or stations to the service transformers of the Corporation, located at such points as the Commission may approve.

2. The Corporation agrees:

(a)

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement, so as to be able to give notice as specified in paragraph 1 (b)

(b) Subject to the provisions of paragraph 2 (g) herein, to pay to the Commission monthly, for all power taken, the cost of the power delivered to the Commission, plus the charges in connection with the delivery of the power to the Municipality as outlined in clauses 2 (c) and (d).

(c) To pay, annually, in twelve monthly instalments, interest upon its proportionate part of the moneys expended by the Commission on capital account for the acquiring of properties and rights, and acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other necessary works for the delivery of power to the Corporation; to pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, and the cost of the said construction, so as to form in thirty years a sinking fund for the retirement of securities issued by the Province of Ontario; and to bear its proportionate part of the line loss, and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said lines, generator and transformer stations and works. All payments under this paragraph shall be subject to adjustment under paragraph 7.

(d) In addition to the cost of power and the cost of delivering it to the Corporation as provided for in paragraphs 2 (b) and (c), to pay to the Commission in half-yearly instalments interest and sinking fund on a thirty-year basis on all capital invested by the Commission in 2,200, 4,000 or other lines of primary voltage as provided for in paragraph 1 (e), and to maintain, repair, renew and operate the said lines, and set aside a depreciation fund at the rate of five per cent per annum on all capital expended by the Commission on such construction.

(e) The amounts payable in accordance with clauses 2 (b), (c) and (d) shall be paid in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 15th day and paid by the Corporation on or before the 15th day of each month, except that payments under clause 2 (d) shall be made half-yearly. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisoes and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(f) To take power exclusively from the Commission during the continuance of this agreement.

(g) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty consecutive minutes, the Corporation shall pay for this greater amount of power during the entire month. The taking of such excess shall thereafter constitute an obligation on the part of the Corporation

to

to pay for and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for the said twenty consecutive minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(h) To use at all times first-class, modern, standard, commercial apparatus and plant to be approved by the Commission and to exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and of the Company.

(i) To co-operate, by all means in its power, at all times, with the Commission, to increase the quantity of power required from the Commission and in all other respects to carry out the objects of this agreement and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be three-phase, alternating, commercially continuous twenty-four hour power every day in the year except as provided in paragraph 6, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for distribution within the Municipality.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery, and shall be subject to test as to accuracy by either party hereto.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the point of delivery to the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement, to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power during such time.

7. The Commission shall at least annually adjust and apportion the amounts payable by Municipal Corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining, repairing, renewing and insuring the line and works.

8. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation and other Municipal Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission

Commission shall determine and adjust the rights of the Corporation and other Municipal Corporations, supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

9. If at any time any other Municipal Corporation or pursuant to said Act any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power the Commission shall notify the applicant and the Corporation in writing of a time and place, and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

10. In case any Municipal Corporation or any person, firm or Corporation, which shall contract with the Commission or any Municipal Corporation, for a supply of power furnished to the Commission by a power company, shall suffer damages by the act or neglect of the company, and such Municipal Corporation, person, firm or Corporation would, if the company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceedings to bring such action for or on behalf of such Municipal Corporation, person, firm or Corporation, and notwithstanding any Act, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such Municipal Corporation, person, firm or Corporation, including the right to recover such damages, but no action shall be brought by the Commission until such Municipal Corporation, person, firm or Corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceedings or action is unsuccessful. The rights and remedies of any such Municipal Corporation, person, firm or Corporation shall not be hereby prejudiced.

11. If differences arise between Corporations to whom the Commission is supplying power, the Commission may, upon application, fix a time and place to hear all representations that may be made by the parties, and the Commission shall, in a summary manner when possible, adjust such differences and such adjustment shall be final.

The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the *Act respecting Enquiries concerning Public Matters*.

2. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*.

(SEAL)

W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE TOWNSHIP OF BROCK.

DEAN RUNDLE, *Reeve*.

(SEAL)

FRANK DOBLE, *Clerk*.

SCHEDULE

SCHEDULE "Q."

This Agreement made this 2nd day of June, A.D. 1917.

Between

The Hydro-Electric Power Commission of Ontario, herein called the "Commission," party of the first part;

and

The Municipal Corporation of the Township of Derby, in the County of Grey, herein called the "Corporation," party of the second part.

Whereas pursuant to an Act to provide for the transmission of electrical power to the municipalities, the Corporation applied to the Commission for a supply of power.

And whereas the Corporation, under the provisions of *The Power Commission Act* and amendments thereto and *The Power Commission Act of 1911*, being "An Act to provide for the local Distribution of Electrical Power," has, at the request of a number of ratepayers (petitioners), applied to the Commission for a supply of electrical power or energy, and has passed a By-law, No. 9 of 1917, to authorize the execution of an agreement therefor.

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreements of the Corporation set forth, subject to the provisions of said Act and amendments and of the said contract, the Commission agrees with the Corporation:

(a) To reserve and deliver at the earliest possible date electrical power to the Corporation, as required by the Corporation.

(b) At the expiration of thirty (30) days' notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electrical power as may be required from time to time.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise due skill and diligence, so as to secure the most perfect operation of the plant and apparatus of the Corporation.

(d) Power shall be delivered to the Corporation at approximately 2,200 or 4,000 volts, or at any other primary voltage that may be available for the Corporation's use.

(e) To supply and construct all 2,200 volt, 4,000 volt, or other lines at primary voltage made necessary by contracts for electric service made between the Corporation and residents or users within the township, from the Commission's power station or transformer stations to the service transformers of the Corporation located at such points as the Commission may approve, except in that part of the township known as Kilsyth, and it is hereby understood and agreed upon by both parties hereto that all of the cost of the primary, secondary and street lighting distribution systems located within the hamlet of Kilsyth and upon the streets of same shall be paid for direct by the Corporation, including all meters, transformers, services, street lighting brackets, poles, wires, cross arms, and any equipment necessary to serve the consumers within the said hamlet of Kilsyth.

2. In consideration of the premises and of the covenants and agreements herein set forth, the Corporation agrees with the Commission:

(a)

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement, so as to be able to give notice, as specified in paragraph 1 (b).

(b) Subject to the provisions of clause (g), section 2, herein, to pay the Commission monthly for all power taken, the cost of the power to be delivered by the Commission, plus the charges in connection with the delivery of power to the Municipality, as outlined in clauses 2 (c) and (d).

(c) To pay annually interest at the rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, and acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract. Also to pay an annual sinking fund instalment of such amount as to form at the end of thirty (30) years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all moneys advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plant, transformer stations, transmission lines, distribution stations and other works necessary for delivery of said electrical energy or power delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of last power and of the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works. Subject to adjustment under clause 8 of this agreement.

(d) In addition to the cost of power and cost of delivering it to the Corporation, as provided for in paragraph 2 (b) and (c), to pay to the Commission, in half-yearly instalments, interest and sinking fund on a thirty (30) year basis on all capital invested by the Commission in 2,200 volt, 4,000 volt, or other lines of primary voltage, as provided for in paragraph 1 (c), and to maintain, repair, renew and operate the said lines and set aside a depreciation fund at the rate of 5 per cent. per annum on all capital expended by the Commission on such construction.

The payments covering cost of construction of primary lines, as outlined in this clause 2 (d) shall not apply to the portion of the township known as Kilsyth, and the capital cost of all primary, secondary and street lighting distribution lines in this locality, including all meters, transformers, and other necessary equipment for the distribution system, shall be borne entirely by the Corporation, but shall be constructed by the Commission, and the Corporation shall make payment to the Commission within thirty (30) days after rendering of account covering moneys spent by the Commission on construction of said primary, secondary and street lighting distribution lines, including all meters, transformers and other necessary equipment as mentioned above, comprising the said distribution system in the hamlet of Kilsyth.

(e) The amounts payable in accordance with clauses 2 (b) (c) and (d) shall be paid in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month, except that payments under clause 2 (d) shall be made half-yearly. If any bill remains unpaid for 15 days the Commission may, in addition to all other remedies, and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the per-

formance

formance of the covenants, provisos and conditions herein contained, and payments in arrears shall bear interest at the legal rate.

(f) To take power exclusively from the Commission during the continuance of this agreement.

(g) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during twenty consecutive minutes three-fourths of the amount of power rendered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month. If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average for a period of twenty (20) consecutive minutes, the Corporation shall pay for this greater amount of power during the entire month. The taking of such excess shall therefore constitute an obligation on the part of the Corporation to pay for and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this agreement.

When the power factor at any time falls below ninety per cent. (90%) the Corporation shall pay for ninety per cent. (90%) of the kilovolt amperes, providing that said ninety per cent. (90%) of said kilovolt amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(h) To use at all times first-class, modern, standard, commercial apparatus and plant to be approved by the Commission and to exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and of the Corporation.

(i) To co-operate by all means in its power, at all times, with the Commission, to increase the quantity of power required from the Commission and in all other respects to carry out the objects of this agreement and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power hereunder.

4. The power shall be three-phase, alternating commercially continuous twenty-four hour power every day of the year, except as provided in paragraph 6, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for distribution within the municipality.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery, and shall be subject to test as to accuracy by either party hereto.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the point of delivery to the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of power, its fluctuations, lead factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement, to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lockout, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power, during such times.

7. The Commission shall at least annually adjust and apportion the amounts payable by Municipal Corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining, repairing, renewing and insuring the lines and works.

8. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation and other Municipal Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and other Municipal Corporations supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations, as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

9. If at any time any other Municipal Corporation or, pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

10. If differences arise between Corporations to whom the Commission is supplying power, the Commission may, upon application, fix a time and place to hear all representations that may be made by the parties and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final.

The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the *Act respecting Enquiries concerning Public Matters*.

11. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have, respectively, affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*.

(SEAL.)

W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE TOWNSHIP OF DERBY,
IN THE COUNTY OF GREY.

JOHN LEASH, *Reeve*.

(SEAL.)

W. H. HILTS, *Clerk*.

SCHEDULE

SCHEDULE "R."

This Agreement made this 20th day of May, A.D. 1917,

Between

The Hydro-Electric Power Commission of Ontario, herein called the "Commission," party of the first part;

and

The Municipal Corporation of the Township of Thorah, herein called the "Corporation," party of the second part.

Whereas pursuant to an Act to provide for the transmission of electrical power to municipalities, the Corporation applied to the Commission for a supply of power.

And whereas the Corporation under the provisions of *The Power Commission Act* and amendments thereto, and *The Power Commission Act*, Revised Statutes of Ontario, 1914, Chapter 39, Paragraph (2), being an "Act to Provide for the Supply of Electrical Energy or Power to Individual Users," has, at the request of a number of ratepayers (petitioners) applied to the Commission for a supply of electrical power or energy, and has passed a By-law No. 247 to authorize the execution of an agreement therefor.

And whereas the Commission has entered into contracts with power companies for such power, or has acquired or constructed generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of electrical energy or power to municipalities.

Now, therefore, this indenture witnesseth that in consideration of the premises and of the agreement herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:

1. The Commission agrees:—

(a) To reserve and deliver at the earliest possible date electrical power to the Corporation as required by the Corporation.

(b) At the expiration of thirty (30) days' notice in writing which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electrical power as may be required from time to time.

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Corporation.

(d) Power shall be delivered to the Corporation at approximately 2,200 or 4,000 volts, or at any other primary voltage that may be available for the Corporation's use.

(e) To supply and construct all 2,200, 4,000 or other lines at primary voltage made necessary by contracts for electric service made between the Corporation and residents or users, within the township, from the Commission's transformer station or stations to the service transformers of the Corporation, located at such points as the Commission may approve.

2. The Corporation agrees:—

(a)

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement, so as to be able to give notice as specified in Paragraph 1 (b).

(b) Subject to the provisions of Paragraph 2 (g) herein, to pay to the Commission monthly, for all power taken, the cost of the power delivered to the Commission, plus the charges in connection with the delivery of the power to the municipality as outlined in clauses 2 (c) and (d).

(c) To pay, annually, in twelve monthly instalments, interest upon its proportionate part of the moneys expended by the Commission on capital account for the acquiring of properties and rights, and acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other necessary works for the delivery of power to the Corporation; to pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, and the cost of the said construction so as to form in thirty years a sinking fund for the retirement of securities issued by the Province of Ontario; and to bear its proportionate part of the line loss, and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said lines, generator and transformer stations and works. All payments under this paragraph shall be subject to adjustment under paragraph 7.

(d) In addition to the cost of power, and the cost of delivering it to the Corporation as provided for in paragraph 2 (b) and (c), to pay to the Commission in half-yearly instalments, interest and sinking fund on a thirty-year basis on all capital invested by the Commission in 2,200, 4,000 or other lines of primary voltage as provided for in paragraph 1 (e), and to maintain, repair, renew and operate the said lines, and set aside a depreciation fund at the rate of 5 per cent. per annum on all capital expended by the Commission on such construction.

(e) The amounts payable in accordance with clause 2 (b), (c) and (d) shall be paid in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month, except that payments under clause 2 (d) shall be made half yearly. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisoes and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(f) To take power exclusively from the Commission during the continuance of this agreement.

(g) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty consecutive minutes, the Corporation shall pay for this greater amount of power during the entire month. The taking of such excess shall thereafter constitute an obligation on the part of the Corporation to

pay for and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90 per cent., the Corporation shall pay for 90 per cent of the said power divided by the power factor.

(h) To use at all times first-class, modern, standard commercial apparatus and plant to be approved by the Commission and to exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and of the Company.

(i) To co-operate, by all means in its power, at all times, with the Commission, to increase the quantity of power required from the Commission and in all other respects to carry out the objects of this agreement and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be three-phase, alternating, commercially continuous twenty-four hour power every day in the year except as provided in paragraph 6, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for distribution within the municipality.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery, and shall be subject to test as to accuracy by either party hereto.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the point of delivery to the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement, to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power, during such time.

7. The Commission shall at least annually adjust and apportion the amounts payable by Municipal Corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining, repairing, renewing and insuring the line and works.

8. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation and other Municipal Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under
this

this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and other Municipal Corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

9. If at any time any other Municipal Corporation or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid for equal quantities of power the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

10. In case any Municipal Corporation or any person, firm or Corporation, which shall contract with the Commission or any Municipal Corporation, for a supply of power furnished to the Commission by a power company shall suffer damages by the act or neglect of the company, and such Municipal Corporation, person, firm or Corporation would, if the company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceedings to bring such action for or on behalf of such Municipal Corporation, person, firm or Corporation, and notwithstanding any act, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such Municipal Corporation, person, firm or Corporation, including the right to recover such damages, but no action shall be brought by the Commission until such Municipal Corporation, person, firm or Corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceedings or action is unsuccessful. The rights and remedies of any such Municipal Corporation, person, firm or Corporation shall not be hereby prejudiced.

11. If differences arise between Corporations to whom the Commission is supplying power, the Commission may upon application fix a time and place to hear all representations that may be made by the parties and the Commission shall, in a summary manner when possible, adjust such differences and such adjustment shall be final.

The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the *Act respecting Enquiries concerning Public Matters*.

12. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their Corporate Seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(SEAL.)

A. BECK, *Chairman*.
W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE TOWNSHIP OF THORAH.

(SEAL.)

GEO. WILL, *Reeve*.
JOHN McARTHUR, *Clerk*.

SCHEDULE

SCHEDULE "S."

This agreement made this 20th day of September, A.D. 1917.

Between

The Hydro-Electric Power Commission of Ontario, herein called the "Commission," party of the first part,

and

The Municipal Corporation of the Township of Whitby, herein called the "Corporation," party of the second part.

Whereas pursuant to an Act to provide for the transmission of electrical power to municipalities, the Corporation applied to the Commission for a supply of power;

And whereas the Corporation under the provisions of *The Power Commission Act* and amendments thereto and *The Power Commission Act*, Revised Statutes of Ontario, 1914, chapter 39, part 2, being "An Act to Provide for the supply of Electrical Energy or Power to Individual Users," has, at the request of a number of ratepayers (petitioners) applied to the Commission for a supply of electrical power or energy, and has passed a by-law No. 997, to authorize the execution of an agreement therefor;

And whereas the Commission has entered into contracts with power companies for such power, or has acquired or constructed generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of electrical energy or power to municipalities.

Now therefore this Indenture witnesseth that in consideration of the premises and of the agreement herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:

1. The Commission agrees:

(a) To reserve and deliver at the earliest possible date electrical power to the Corporation as required by the Corporation.

(b) At the expiration of thirty (30) days' notice in writing which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electrical power as may be required from time to time.

(c) To use at all times first class, modern, standard, commercial apparatus and plant, and to exercise due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Corporation.

(d) Power shall be delivered to the Corporation at approximately 2,200 or 4,000 volts, or at any other primary voltage that may be available for the Corporation's use.

(e) To supply and construct all 2,200, 4,000 or other lines at primary voltage made necessary by contracts for electric service made between the Corporation and residents or users, within the township, from the Commission's transformer station or stations to the service transformers of the Corporation, located at such points as the Commission may approve.

2. The Corporation agrees:

(a)

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement, so as to be able to give notice as specified in paragraph 1 (b).

(b) Subject to the provisions of paragraph 2 (g) herein, to pay to the Commission monthly, for all power taken, the cost of the power delivered to the Commission, plus the charges in connection with the delivery of the power to the municipality as outlined in clauses 2 (c) and (d).

(c) To pay, annually, in twelve monthly instalments, interest upon its proportionate part of the moneys expended by the Commission on capital account for the acquiring of properties and rights, and acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other necessary works for the delivery of power to the Corporation; to pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, and the cost of the said construction, so as to form in thirty years a sinking fund for the retirement of securities issued by the Province of Ontario; and to bear its proportionate part of the line loss, and pay its proportionate part of the cost to operate, maintain, repair, renew, and insure the said lines, generator and transformer stations and works. All payments under this paragraph shall be subject to adjustment under paragraph 7.

(d) In addition to the cost of power, and the cost of delivering it to the Corporation as provided for in paragraphs 2 (b) and (c), to pay to the Commission in half yearly instalments, interest and sinking fund on a thirty-year basis on all capital invested by the Commission in 2,200, 4,000 or other lines of primary voltage as provided for in paragraph 1 (e), and to maintain, repair, renew and operate the said lines, and set aside a depreciation fund at the rate of 5 per cent. per annum on all capital expended by the Commission on such construction.

(e) The amounts payable in accordance with Clause 2 (b), (c) and (d) shall be paid in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month, except that payments under clause 2 (d) shall be made half yearly. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(f) To take power exclusively from the Commission during the continuance of this agreement.

(g) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not.

When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty consecutive minutes, the Corporation shall pay for this greater amount

of power during the entire month. The taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90%, the Corporation shall pay for 90% of said power divided by the power factor.

(h) To use at all times first class, modern, standard commercial apparatus and plant to be approved by the Commission and to exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and of the company.

(i) To co-operate, by all means in its power, at all times, with the Commission, to increase the quantity of power required from the Commission and in all other respects to carry out the objects of this agreement and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be three-phase, alternating, commercially continuous twenty-four hour power every day in the year except as provided in paragraph 6, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for distribution within the municipality.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery, and shall be subject to test as to accuracy by either party hereto.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the point of delivery to the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement, to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power, during such time.

7. The Commission shall at least annually adjust and apportion the amounts payable by Municipal Corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining, repairing, renewing and insuring the line and works.

8. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation and other Municipal Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under

this

this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and other Municipal Corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

9. If at any time any other Municipal Corporation or, pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

10. In case any Municipal Corporation or any person, firm or Corporation, which shall contract with the Commission or any Municipal Corporation, for a supply of power furnished to the Commission by a power company shall suffer damages by the act or neglect of the company, and such Municipal Corporation, person, firm or Corporation would, if the Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceedings to bring such action for or on behalf of such Municipal Corporation, person, firm or Corporation, and notwithstanding any act, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such Municipal Corporation, person, firm or Corporation, including the right to recover such damages, but no action shall be brought by the Commission until such Municipal Corporation, person, firm or Corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceedings or action is unsuccessful. The rights and remedies of any such Municipal Corporation, person, firm or Corporation shall not be hereby prejudiced.

11. If differences arise between Corporations to whom the Commission is supplying power, the Commission may upon application fix a time and place to hear all representations that may be made by the parties and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final.

The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the *Act respecting Enquiries concerning Public Matters*.

12. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have, respectively, affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*.

(SEAL.)

W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE TOWNSHIP OF WHITBY.

FRED F. ROWE, *Reeve*.

(SEAL.)

D. HOLLIDAY, *Clerk*.

SCHEDULE

SCHEDULE "T."

This agreement made this 27th day of September, A.D. 1917.

Between

The Hydro-Electric Power Commission of Ontario, herein called the "Commission," party of the first part,

and

The Municipal Corporation of the Township of East Whitby, herein called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities, the Corporation applied to the Commission for a supply of power;

And whereas the Corporation under the provisions of *The Power Commission Act* and amendments thereto and *The Power Commission Act*, Revised Statutes of Ontario, 1914, chapter 39, part 2, being "An Act to Provide for the Supply of Electrical Energy or Power to Individual Users," and *The Central Ontario Power Act, 1916*, 6 Geo. V, chap. 8, has, at the request of a number of rate-payers (petitioners) applied to the Commission for a supply of electrical power or energy, and has passed a by-law, No. 826, to authorize the execution of an agreement therefor;

And whereas the Commission has entered into contracts with power companies for such power, or has acquired or constructed generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of electrical energy or power to municipalities.

Now, therefore, this Indenture witnesseth that in consideration of the premises and of the agreement herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:

1. The Commission agrees:

(a) To reserve and deliver at the earliest possible date electrical power to the Corporation as required by the Corporation.

(b) At the expiration of thirty (30) days' notice in writing which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electrical power as may be required from time to time.

(c) To use at all times first class, modern, standard commercial apparatus and plant, and to exercise due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Corporation.

(d) Power shall be delivered to the Corporation at approximately 2,200 or 4,000 volts, or at any other primary voltage that may be available for the Corporation's use.

(e) To supply and construct all 2,200, 4,000 or other lines at primary voltage made necessary by contracts for electric service made between the Corporation and residents or users, within the township, from the Commission's transformer station or stations to the service transformers of the Corporation, located at such points as the Commission may approve.

2. The Corporation agrees:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement, so as to be able to give notice as specified in paragraph 1 (b).

(b)

(b) Subject to the provisions of paragraph 2 (g) herein, to pay to the Commission monthly, for all power taken, the cost of the power delivered to the Commission, plus the charges in connection with the delivery of the power to the municipality as outlined in clauses 2 (c) and (d).

(c) To pay, annually, in twelve monthly instalments, interest upon its proportionate part of the moneys expended by the Commission on capital account for the acquiring of properties and rights, and acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other necessary works for the delivery of power to the Corporation; to pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, and the cost of the said construction, so as to form in thirty years a sinking fund for the retirement of securities issued by the Province of Ontario; and to bear its proportionate part of the line loss, and pay its proportionate part of the cost to operate, maintain, repair, renew, and insure the said lines, generator and transformer stations and works. All payments under this paragraph shall be subject to adjustment under paragraph 7.

(d) In addition to the cost of power, and the cost of delivering it to the Corporation as provided for in paragraphs 2 (b) and (c), to pay to the Commission in half yearly instalments, interest and sinking fund on a thirty year basis on all capital invested by the Commission in 2,200, 4,000 or other lines of primary voltage as provided for in paragraph 1 (e), and to maintain, repair, renew and operate the said lines, and set aside a depreciation fund at the rate of 5 per cent. per annum on all capital expended by the Commission on such construction.

(e) The amounts payable in accordance with clause 2 (b), (c) and (d) shall be paid in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month, except that payments under clause 2 (d) shall be made half yearly. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisoes and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(f) To take power exclusively from the Commission during the continuance of this agreement.

(g) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not.

When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty consecutive minutes, the Corporation shall pay for this greater amount of power during the entire month. The taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90%, the Corporation shall pay for 90% of said power divided by the power factor.

(h) To use at all times first class, modern, standard commercial apparatus and plant to be approved by the Commission and to exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and of the company.

(i) To co-operate, by all means in its power, at all times, with the Commission, to increase the quantity of power required from the Commission and in all other respects to carry out the objects of this agreement and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be three-phase, alternating, commercially continuous twenty-four hour power every day in the year except as provided in paragraph 6, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for distribution within the municipality.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery, and shall be subject to test as to accuracy by either party hereto.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the point of delivery to the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement, to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lockout, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power, during such time.

7. The Commission shall at least annually adjust and apportion the amounts payable by Municipal Corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining, repairing, renewing and insuring the line and works.

8. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation and other Municipal Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and other Municipal Corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations

as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

9. If at any time any other Municipal Corporation, pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

10. In case any Municipal Corporation or any person, firm or Corporation, which shall contract with the Commission or any Municipal Corporation, for a supply of power furnished to the Commission by a power company, shall suffer damages by the act or neglect of the company, and such Municipal Corporation, person, firm or Corporation would, if the company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceedings to bring such action for or on behalf of such Municipal Corporation, person, firm or Corporation, and notwithstanding any act, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such Municipal Corporation, person, firm or Corporation, including the right to recover such damages, but no action shall be brought by the Commission until such Municipal Corporation, person, firm or Corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceedings or action is unsuccessful. The rights and remedies of any such Municipal Corporation, person, firm or Corporation shall not hereby be prejudiced.

11. If differences arise between Corporations to whom the Commission is supplying power, the Commission may upon application fix a time and place to hear all representations that may be made by the parties and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final.

The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the *Act respecting Enquiries concerning Public Matters*.

12. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have, respectively, affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*.

(SEAL.)

W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE TOWNSHIP OF EAST
WHITBY.

WARREN DEARBORNE, *Reeve*.

(SEAL.)

WM. PURVIS, *Clerk*.

SCHEDULE

SCHEDULE "U."

Agreement made this twelfth day of April, A.D. 1917.

Between

John Joseph Albright, of Buffalo, in the State of New York, on behalf of himself and other Stockholders of The Ontario Power Company of Niagara Falls, hereinafter called the "Vendor," of the first part;

and

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Purchaser," of the second part;

and

His Majesty, the King, herein represented by the Lieutenant-Governor in Council of the Province of Ontario, acting by Sir William Hearst, Prime Minister of the said Province, hereinafter called the "Guarantor," of the third part;

and

The Ontario Power Company of Niagara Falls, hereinafter called the "Power Company," of the fourth part;

and

The Ontario Transmission Company, Limited, hereinafter called the "Transmission Company," of the fifth part;

and

Niagara, Lockport and Ontario Power Company, hereinafter called the "Lockport Company," of the sixth part.

Whereas, the Power Company has an issued and outstanding capital stock of Ten Million Dollars (\$10,000,000) par, amount represented by One Hundred Thousand shares of the par value of One Hundred Dollars (\$100.00) each—

Now this agreement witnesseth that, in consideration of the covenants, agreements and considerations herein contained, the parties respectively covenant and agree the one with the other as follows:

APPENDIX C.

FIRST: The Vendor agrees to sell to the Purchaser and the Purchaser agrees to purchase from the Vendor, ninety thousand (90,000) shares of the par value of one hundred dollars (\$100.00) each, of the capital stock of the Power Company and the remaining ten thousand (10,000) shares of said stock of the par value of one million dollars (\$1,000,000) to the extent that the holders thereof put the Vendor in a position to make delivery of such shares to the Purchaser prior to the time for completion as hereinafter defined.

SECOND: The consideration for the said sale shall be:

(a) The sum of eight million dollars (\$8,000,000), or such portion of said sum as shall equal eighty per cent. (80%) of the par amount of the shares of said stock of the Power Company transferred and delivered to the Purchaser at the time for completion as hereinafter defined, which sum the Purchaser hereby agrees to pay and satisfy by the issue and delivery to the Vendor of the debentures of the Purchaser

chaser guaranteed as hereinafter provided for, bearing date on the date of the said time for completion in such denominations being multiples of one hundred (\$100.00) dollars as the Vendor shall require, payable forty years from the said date and bearing interest at the rate of four per cent. (4%) per annum, payable half-yearly, said debentures being payable as to principal and interest in Toronto, Canada; New York, United States of America, and/or London, England, at the option of the holders; the said debentures as to both principal and interest to be payable in gold coin of the present standard of weight and fineness of the country where same shall be paid; and, unless otherwise agreed between the Vendor and the Purchaser, interest coupons to be attached to said debentures and the said debentures and the coupons attached thereto to be in the forms set out in Schedule "A" to this agreement, or to the like effect with any variations or additions which the Vendor may before the time for completion required to secure listing and quotation of same on any exchange or exchanges; said debentures and coupons to be engraved or lithographed, the debentures to be sealed with the seal of the Purchaser and signed by the Chairman and Secretary, and the coupons to be signed by the Secretary; the signature of the coupons to be either written or lithographed or engraved as the Purchaser may determine. Provided that in lieu of delivering at the time for completion said lithographed or engraved debentures the Purchaser may issue and deliver interim debentures with or without coupons, such interim debentures and coupons, if any, to be in such form and in such denominations as the Vendor may be willing to accept and to be guaranteed as to principal and interest in the same manner as is provided for in respect of said lithographed or engraved debentures, and to entitle the holder or holders thereof to said lithographed or engraved debentures as soon as the same are prepared in exchange for an equal amount of said interim debentures and to give to the holder or holders thereof, or of any coupons attached thereto pending such exchange every right which the holder or holders of said lithographed or engraved debentures would have; and if interim debentures are delivered, the said lithographed or engraved debentures shall be prepared and made ready to be exchanged therefor within two months from the time for completion as hereinafter defined, and shall be exchanged for said interim debentures as and when said interim debentures are delivered to the Purchaser after said lithographed or engraved debentures are so prepared and made ready; and

(b) The execution and delivery by the Purchaser of an agreement with the Vendor and the Toronto General Trusts Corporation, which, unless otherwise agreed between the Vendor and the Purchaser, shall be in the form set out in Schedule "B" of this agreement, and which the Purchaser agrees with the Vendor to execute and deliver at the time for completion as hereinafter defined.

THIRD: It is understood between the Vendor and the Purchaser, and the Purchaser agrees with the Vendor, that before the time for completion as hereinafter defined, the Vendor may cause or procure the Power Company to do and the Power Company may do all such things as may be requisite or proper to be done so that at the time for completion as hereinafter defined the respective assets of the Power Company and the Transmission Company will consist only of those described in Schedule "C" to this agreement. And it is further understood between the Vendor and the Purchaser, and the Vendor agrees with the Purchaser that the Vendor will cause or procure the Power Company and the Transmission Company to do all such things as may be required or proper to be done so that the respective liabilities (whether direct, indirect, contingent, accruing or accrued) of the said companies at the time for completion as hereinafter defined, shall be only those described in Schedule "D" to this agreement, and in default of so doing or in so far as he shall not so do the Vendor will pay or settle all such liabilities.

The Power Company and the Purchaser severally agree with the Vendor that should the Power Company and/or the Transmission Company

Company before the time for completion have sold or assigned any assets of either Company, such as accounts receivable or other choses in action, and should such assets not have been collected or reduced to possession by the owner or owners thereof, the Power Company and/or the Transmission Company will, from time to time, at the request and expense of the Vendor, use all reasonable means to collect and get in such of said assets or the proceeds thereof as the Vendor may specify, and will account for and pay and deliver over such assets or proceeds, as the case may be, from time to time received by the Power Company and/or the Transmission Company to the Vendor or the person or persons respectively entitled thereto.

The Vendor agrees with the Power Company and the Purchaser that in addition to the assets set out in said Schedule "C" hereto, there shall be left in the hands of the Power Company at the time for completion a sum estimated by the Vendor to be equal to—

(a) Interest and Sinking Fund payments on the bonds and debentures of the Power Company and the Transmission Company mentioned in the said Schedule "D" which shall have accrued but shall not be due at the time for completion, and

(b) The proper proportion of all rentals and payments to the Commissioners of the Queen Victoria Niagara Falls Park, and of all unpaid rates, taxes and assessments for the year 1917, adjusted to the time for completion, and if such estimate shall, after completion, prove inaccurate, the excess or deficiency when determined shall be paid by the Vendor to the Power Company, or by the Power Company or the Purchaser to the Vendor as the case may require.

The assets of the Power Company at the time for completion are not intended to include any rentals, sums or moneys payable or to become payable for power supplied or otherwise, under any lease or contract which shall have accrued or shall have been earned, but shall not be due or payable at the time for completion, and if they do include any such items the Purchaser shall use every reasonable effort to collect such items, and if and when collected shall pay, or procure to be paid, to the Vendor, the amount thereof adjusted to the time for completion, and the Purchaser shall also at the time for completion pay or procure to be paid to the Vendor the value of all prepaid insurance, rentals, taxes, rates (including local improvement rates), assessments and payments for telephone services adjusted to the time for completion.

FOURTH: The Purchaser shall have thirty days from the date hereof within which to examine the real property titles of the Power Company and of the Transmission Company. The Vendor shall not be obliged to deliver any abstract of title or to incur any expense in connection with the investigation of said titles, but the Purchaser shall search the said titles entirely at its own expense. The Vendor will permit the Purchaser or procure the Purchaser to be permitted to inspect all documents relating to the titles which may be in the possession or power of the Power Company or the Transmission Company. If any objection or requisition in respect of said titles shall be made by the Purchaser which the Vendor may for any reason whatsoever be unwilling to comply with or to remove whether able to do so or not, the Vendor shall have the right to rescind this agreement by written notice to the Purchaser, of his election to do so, and such right may be exercised notwithstanding any attempt to remove or to comply with or any partial removal or compliance with any such objection or requisition, and notwithstanding any negotiations which may have been had between the parties with reference thereto. If the Purchaser shall not have made any specific requisition or objection to the said titles within the said period of thirty days, or if all specific requisitions or objections made within the said period of thirty days shall have been removed or complied with or waived, the Purchaser shall be deemed to have accepted the titles of the Power Company and of the Transmission

Company

Company; provided always that the Purchaser may waive all such objections or requisitions by giving notice in writing to that effect to the Vendor at any time within fifteen days from the receipt of such notice of rescission and upon such notice of waiver being given this agreement shall remain in full force and effect as though such objections or requisitions had never been made.

FIFTH: Upon the completion of the sale under this agreement, the Vendor agrees that he will tender or cause to be tendered the resignation of all members of the Boards of Directors of the Power Company and of the Transmission Company and also that he will tender or cause to be tendered the resignation of all officers of said companies respectively, or will terminate, or cause to be terminated, their employment, and that the Boards of Directors of the Power Company and the Transmission Company will at that time respectively assist the Purchaser in acceptance of such resignations and in the election of new directors nominated by the Purchaser.

SIXTH: The Vendor agrees that the Power Company and the Transmission Company will, until the time for completion as hereinafter defined, repair and keep in repair and in good working order and condition, reasonable wear and tear only excepted, all the present buildings, erections, plant, machinery and fixtures of said companies and all additions thereto and will pending said time for completion and, except as otherwise expressly provided for herein, carry on the respective businesses of said companies in the usual and ordinary manner, but in case any loss or damage which would involve an expenditure of more than two hundred and fifty thousand dollars (\$250,000) shall occur, the Vendor may, by notice in writing addressed to the Purchaser, rescind this agreement, unless the Purchaser shall, by notice in writing, waive the above covenants to repair, rebuild or make good and agree to accept in lieu thereof, an assignment of the rights of the Vendor, the Power Company and the Transmission Company, or of any one or more of them (if any) to such insurance moneys as may be payable in respect thereof; provided that the Vendor shall not, nor shall the Power Company or the Transmission Company proceed with any such repairs, rebuilding or making good until one week after it shall have submitted the plans thereof to the Purchaser and shall have considered any representations or suggestions which the Purchaser may make in respect thereof. In case there shall be an obligation to repair, rebuild and make good under the foregoing provisions, and the Vendor shall not have rescinded this agreement under the provisions of this clause, the completion of this agreement shall not be thereby delayed, but the assets of the Power Company will be restored by the inclusion therein of a sum estimated in good faith by the Vendor to be equal to the reasonable cost of such repair, rebuilding, or making good, or so much thereof as shall not have been finished or paid for at the time for completion, and should said sum prove to be less than such reasonable cost the difference when determined shall be paid by the Vendor to the Power Company. Neither the Vendor, the Power Company nor the Transmission Company shall be obliged to make any betterments or improvements to the property of either company, but if any such improvements shall be deemed expedient by either company, the Vendor shall cause the Purchaser to be notified in case the expenditure in respect of any one item shall exceed five hundred dollars (\$500.00) and the Purchaser shall pay the Vendor in cash at the time for completion as hereinafter defined, a portion of all expenditures made by either company for the betterment or improvement of the property of either company from the date hereof up to said time for completion in respect of,—

(a) Items not exceeding five hundred dollars (\$500.00) and

(b) All items exceeding five hundred dollars (\$500.00) in respect of which the Purchaser shall have consented to the expenditure in writing which portion shall bear the same proportion to the total

amount

amount of such expenditure as the amount of stock of the Power Company delivered to the Purchaser in completing this agreement bears to the total issued capital stock of the Power Company.

The Vendor agrees with the Purchaser that until the time for completion, as hereinafter defined, neither the Power Company nor the Transmission Company will surrender any of the franchise rights or privileges granted to them, or either of them, or do omit or permit to be done or omitted any act or thing whereby any such particular rights or privileges may become forfeited or terminated, or liable to forfeiture or termination.

SEVENTH: The Guarantor agrees with the Vendor and the Purchaser and each of them to guarantee and hereby guarantees to the respective holders thereof for the time being the due payment by the Purchaser of the interest and principal of all debentures of the Purchaser to be delivered under the terms of this agreement, and the Guarantor further agrees that a guarantee duly executed by the Guarantor and guaranteeing to the Holder thereof for the time being payment of the interest and principal thereof by the Purchaser, shall be endorsed upon each of said debentures of the Purchaser so to be delivered prior to the delivery thereof hereunder, such guarantee, unless altered by consent, to be in the form set out in Schedule "A" to this agreement or to the like effect; and the Guarantor further agrees with the Vendor and the Purchaser, and each of them, to guarantee and hereby guarantees to the Vendor and to the Toronto General Trusts Corporation and its successors and assigns the due performance and observance by the Purchaser of the agreement between the Purchaser and the Vendor and The Toronto General Trusts Corporation to be executed by the Purchaser under the provisions of clause (b) of the second section of this agreement.

EIGHTH: The Lockport Company, the Power Company and the Purchaser mutually agree:—

(a) That on the first day of April, 1950, if all the now outstanding bonds of the Lockport Company shall have been paid and retired on or before that date, and otherwise as soon after the first day of April, 1950, as all of the said bonds of the Lockport Company shall have been paid and retired, and in any event not later than the first day of November, 1954, the existing contract between the Power Company and the Lockport Company, evidenced by four agreements made between the Lockport Company and the Power Company, and dated respectively, the 16th day of July, 1904; the 30th day of December, 1904; the 31st day of October, 1905, and the 30th day of December, 1913, (hereinafter called the existing power supply contract) and any extension or renewal of or right of either party thereto to extend or renew the same shall cease and determine; and

(b) That in case the Power Company shall at any time or times be prevented by any competent authority other than the Legislature or Government of the Province of Ontario or by strike, lockout, riot, fire, invasion, explosion, act of God or the king's enemies, or any other cause, reasonably beyond its control, from delivering to the Lockport Company the power deliverable under the existing Power supply contract, or any extension or renewal thereof, or any part of such power, or in case the Lockport Company shall at any time be so prevented from taking such power or any part thereof, then the Power Company shall not be bound to deliver such power during such time or times or be liable for any penalties or damages or deductions for non-delivery during such time or times, and the Lockport Company shall not be bound to pay for such power during such time or times, but as soon as the cause of such interruption is removed, the Power Company shall, without any delay, deliver the said power as aforesaid, and the Lockport Company shall take the same, and each of the said parties (the Power Company and the Lockport Company) shall, so far as such party can do so, and as

early

early as possible, remove and overcome such cause or causes of interruption.

The Lockport Company covenants with the Power Company and the Purchaser, and each of them, that all the said bonds of the Lockport Company will be paid and retired before or on the first day of November, 1954.

The Power Company agrees with the Lockport Company and the Purchaser agrees with and guarantees to the Lockport Company, and agrees with and guarantees to the Vendor that the Power Company will duly abide by, observe and perform the existing power supply contract between the Power Company and the Lockport Company (as varied by this agreement) and all extensions or renewals thereof; and the Purchaser and the Guarantor undertake and agree with the Power Company, the Lockport Company, the Transmission Company and the Vendor, to use their best endeavors from time to time with the Government and Parliament of Canada and with the Legislature of Ontario to place and keep the Power Company and the Transmission Company at all times in such a position that they and each of them may lawfully carry out the terms of the existing power supply contract between the Power Company and the Lockport Company (as varied by this agreement) and any extensions or renewals thereof so far as relates to the export of the power required for the purpose of such contract, as so varied, and any extensions or renewals thereof.

The Purchaser, the Power Company and the Lockport Company mutually agree that except as by this paragraph (eighth) varied, the existing power supply contract shall continue and remain in full force and effect.

NINTH: This agreement shall not take effect or be binding upon the parties hereto unless and until it shall have been executed and delivered by all the said parties.

TENTH: The Vendor agrees with the Purchaser that neither the Power Company nor the Transmission Company will, before the time for completion as hereinafter defined, create or issue any further shares or their capital stocks, respectively, or any bonds, debentures or like securities.

ELEVENTH: The Vendor agrees with the Purchaser that the Vendor will, from time to time, after the completion of this Agreement, upon the request and at the expense of the Purchaser, furnish to the Purchaser any and all information in connection with any and all of the affairs of the Power Company and the Transmission Company which the Vendor may have in his possession or under his control.

TWELFTH: The time for completion of this agreement shall be the first day of the calendar month which shall fall next after sixty (60) days from the execution and delivery of this agreement by all the parties thereto and if such execution and delivery shall not have taken place by the first day of June, 1917, this agreement shall be void; provided that the Vendor and Purchaser may agree in writing to an extension or extensions of the said date, and of the said time for completion, or either of them, and every such agreement shall be binding on all parties hereto, and if and as often as the time for completion shall be extended the time to which it is extended shall thereafter be taken to be the time for completion for the purposes of this agreement.

THIRTEENTH: The completion of this agreement shall take place at the office of the Purchaser at Toronto, Ontario.

FOURTEENTH: The Power Company and the Transmission Company assent, and each of them assents, to this agreement, and the
Power

Power Company and the Transmission Company agree, and each of them agrees with the Vendor that they and each of them will, at the expense of the Vendor, facilitate in all reasonable ways the due carrying out of all the terms of this agreement to be carried out by the Vendor, and that they and each of them on its part will do and cause to be done all such acts and things as the Vendor hereby agrees to cause or procure to be done by the Power Company and the Transmission Company or either of them.

FIFTEENTH: Time shall be of the essence of this agreement.

SIXTEENTH: The obligations of the Guarantor hereunder shall extend to his successors; and the obligations of every other party hereunder shall bind the successors and assigns of such party if a corporation and the executors, administrators and assigns of such party if a person; and all rights of and benefits to any party hereunder shall extend and enure to the successors and assigns of such party if a corporation, and to the executors, administrators and assigns of such party if a person.

In witness whereof these presents have been duly executed by the parties hereto the day and year first above written.

Witness:

(Signed), W. K. KOESTER.

(Signed) JOHN JOSEPH ALBRIGHT,
The Hydro-Electric Power
Commission of Ontario.

(Signed) A. BECK, *Chairman*.

(Signed) W. W. POPE, *Secretary*.

(Signed) J. W. JENKINS.

(Signed) W. H. HEARST, *Prime Minister*.
The Ontario Power Com-
pany of Niagara Falls.

By

JOHN JOS. ALBRIGHT, *President*.
ROBERT C. BOARD, *Secretary*.

The Ontario Transmission
Company of Niagara Falls.

By

JOHN JOS. ALBRIGHT, *President*.
ROBERT C. BOARD, *Secretary*.

Niagara, Lockport and On-
tario Power Company.

By

FRED D. COREY, *President*.
HARRY E. NICHOLS, *Secretary*.

SCHEDULE "A" REFERRED TO IN THE ANNEXED AGREEMENT.

FORM OF DEBENTURE.

\$.....

No.

£.....

The Hydro-Electric Power Commission of Ontario (hereinafter called "the Commission") for value received, hereby promises to pay to the bearer, or if registered, to the registered holder hereof, on the day of 19 , on presentation and surrender of this debenture, the sum of dollars, at in Toronto, Canada, or at
in

..... in New York, United States of America, or the sum of pounds sterling, at in London, England, at the holder's option, with interest thereon, until paid, at the rate of four per centum per annum, payable half-yearly, at any of said places, at the holder's option, on the first day of and the first day of in each year, on presentation and surrender of the interest coupons hereto annexed as they severally become due; each payment of principal and interest to be made in gold coin of the present standard of weight and fineness of the country where same shall be made.

This debenture shall pass by delivery, but may be registered as to principal in the name of the holder in a register which shall be kept by the Commission at its office in Toronto, Canada, in which case it can only be transferred by an instrument in writing, signed by the registered holder or his lawful attorney, and registered in the said register. A transfer to bearer may subsequently be registered, after which this debenture shall be transferable by delivery alone until again registered in the name of the holder. Notwithstanding registration, the interest coupons shall continue payable to bearer.

This debenture is issued under the authority of an Act of the Legislative Assembly of the Province of Ontario, entitled..... and being Chapter of the Statutes of Ontario (1917) passed in the seventh year of the reign of His Majesty King George V.

In witness whereof the Commission has caused its corporate seal to be hereunder affixed and this debenture to be signed by..... and this day of 19 .

(Seal)

FORM OF INTEREST COUPON.

Debenture No.

Interest Coupon No.

The Hydro-Electric Power Commission of Ontario will pay to the bearer on the day of dollars at in Toronto, Canada, or at in New York, United States of America, or pounds sterling, at in London, England, at the bearer's option; such payment to be made in gold coin of the present standard of weight and fineness of the country where same shall be made, and being the half year's interest on debentures No. payable on the day of 19 .

Dated the day of 19 .

FORM OF GUARANTEE FOR ENDORSEMENT ON DEBENTURES.

By virtue of powers conferred by the Legislature of the Province of Ontario, Canada, the Province of Ontario hereby guarantees to the holder of the within bond for the time being and to the holder for the time being of any of the coupons attached thereto, due payment of the principal of the within debenture and of the interest thereon, according to the tenor of the said debenture and of the coupons attached thereto.

SCHEDULE "B" REFERRED TO IN THE ANNEXED
AGREEMENT.

This agreement made this Twelfth day of April, A.D. 1917.

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," of the first part;

and

John Joseph Albright, of Buffalo, in the United States of America, hereinafter called the "Vendor," of the second part;

and

The Toronto General Trusts Corporation, representing and acting herein for the benefit of the various holders for the time-being of the various bonds and debentures hereinafter mentioned, hereinafter called the "Trustees," of the third part.

WITNESSETH that—

FIRST: For divers valuable considerations and in consideration of one dollar (\$1.00) of lawful money of Canada, paid by the Vendor and the Trustees to the Commission, receipt of all which considerations the Commission hereby acknowledges, the Commission hereby covenants with the Vendor and the Trustees and each of them—

(1) That the Ontario Power Company of Niagara Falls (hereinafter called the Power Company) will duly pay, as the same become due, the outstanding first mortgage five per cent., forty-year sinking fund gold bonds of the Power Company, amounting on the 31st December, 1916, to the sum of nine million nine hundred and eighty-four thousand dollars (\$9,984,000) and all interest thereon and sinking fund payments connected therewith secured by mortgage dated the 2nd of February, 1903, between the Power Company and the Trustees, and Supplementary Agreement dated the 1st October, 1908, between the Power Company and Francis Ralston Welsh, and others, and will perform, abide by and observe all the covenants, agreements, provisos and obligations on the part of the Power Company in the said bonds, and/or in the said mortgage and supplementary agreement contained; and

(2) That the Power Company will duly pay as the same become due the outstanding 6 per cent. gold coupon debentures of the Power Company, payable as to principal on the 1st day of July, 1921, amounting on the 31st December, 1916, to two million eight hundred and eighty thousand dollars (\$2,880,000) and all interest thereon and sinking fund payments connected therewith, secured by indenture dated 30th June, 1906, made between the Power Company and the Trustees, and by a second mortgage, dated 2nd November, 1914, between the Power Company and National Trust Company, Limited, and will perform, abide by and observe all the covenants, agreements, provisos and obligations on the part of the Power Company in the said debentures, and/or in the said indenture and/or mortgage contained; and

(3) That the Power Company and/or the Ontario Transmission Company, Limited (hereinafter called the Transmission Company), will duly pay as the same become due the outstanding 5 per cent. first mortgage gold bonds of the Transmission Company, payable as to principal on the first day of May, 1945, amounting on the said 31st December, 1916, to one million eight hundred and five thousand dollars (\$1,805,000) and all interest thereon and sinking fund payments connected therewith secured by a first mortgage, dated 16th August, 1905, between the Transmission Company and the Trustees, and two certain agreements, the one dated 20th April, 1910, between

the

the Power Company, the Transmission Company, the Trustees and the Holders from time to time of the 5 per cent. first mortgage gold bonds of the Transmission Company, and the other dated 11th June, 1910, between the Transmission Company, the Standard Trust Company of New York, the Power Company and the Holders from time to time of the said 5 per cent. first mortgage gold bonds of the Transmission Company, and will perform, abide by and observe all the covenants, agreements, provisos and obligations on the part of the Transmission Company, and /or the Power Company in the said bonds of the Transmission Company and /or in the said mortgage, and /or in the said agreements dated respectively 20th April, 1910, and 11th June, 1910, contained.

SECOND: This agreement shall bind the Commission, its successors and assigns and enure to the benefit of the executors, administrators and assigns of the Vendor and the successors and assigns of the Trustees.

In witness whereof, these presents have been duly executed by the parties hereto the day and year first above written.

Witness:

W. K. KOESTER.

The Hydro-Electric Power Commission
of Ontario.

By A. BECK, *Chairman*.

W. W. POPE, *Secretary*.

(Signed) JOHN JOSEPH ALBRIGHT.

The Toronto General Trusts Corporation.

By

SCHEDULE "C" REFERRED TO IN THE ANNEXED AGREEMENT.

ASSETS OF THE POWER COMPANY AND /OR THE TRANSMISSION COMPANY.

(a) All freehold and leasehold lands, tenements and hereditaments of the Power Company and /or the Transmission Company, including the house in the City of Niagara Falls, Ontario, standing in the name of R. C. Board.

(b) All contracts between the Power Company and /or the Transmission Company and the Commissioners of the Queen Victoria Niagara Falls Park, and all rights and privileges thereunder.

(c) All franchises, easements, water powers, water privileges and water rights of the Power Company and /or the Transmission Company.

(d) All works, buildings, fixtures, plant, machinery, equipment and apparatus of every kind of the Power Company and /or the Transmission Company.

(e) All documents, including plans, records, contracts, and specifications of the Power Company and /or the Transmission Company.

(f) All furniture, chattels, stock-in-trade, stores, licenses, patent rights, prepaid insurance and books of account and other books of the Power Company and /or the Transmission Company, including items described as "work orders" and "working assets."

(g) All interest of the Power Company and /or the Transmission Company in all contracts and engagements mentioned or described under letters (e), (f), (g), (h) and (i) in Schedule "D" to the annexed agreement.

(h) All the shares in the capital stock of the Transmission Company, said shares being owned by the Power Company.

SCHEDULE "D" REFERRED TO IN THE ANNEXED AGREEMENT.

LIABILITIES OF THE POWER COMPANY AND /OR THE TRANSMISSION COMPANY.

(a) First mortgage five per cent. bonds of the Power Company, and interest thereon, and sinking fund payments connected therewith; said bonds amounting on the 31st December, 1916, to the sum of nine million nine hundred and eighty-four thousand dollars (\$9,984,000), and all covenants, agreements, obligations and liabilities of the Power Company, in or under the mortgage dated 2nd February, 1903, between the Power Company and the Toronto General Trusts Corporation and /or the supplemental agreement, dated 1st October, 1908, between the Power Company and Francis Ralston Welsh and others, securing said bonds.

(b) Six per cent (6%) gold coupon debentures of the Power Company and interest thereon and sinking fund payments connected therewith, said debentures amounting on the 31st December, 1916, to the sum of two million eight hundred and eighty thousand dollars (\$2,880,000), and all covenants, agreements, obligations and liabilities of the Power Company, in or under the indenture dated 30th June, 1906, made between the Power Company and the Toronto General Trusts Corporation and /or the second mortgage, dated 2nd November, 1914, made between the Power Company and National Trust Company, Limited, securing said debentures.

(c) All obligations and liabilities of the Power Company as guarantors or otherwise in respect of the first mortgage gold bonds of the Transmission Company, including all such obligations and liabilities under any covenant, agreement or guarantee relating to said bonds.

(d) First mortgage five per cent. gold bonds of the Transmission Company, and interest thereon, and sinking fund payments connected therewith, said bonds amounting on the 31st December, 1916, to one million eight hundred and five thousand dollars (\$1,805,000), and all covenants, agreements, obligations and liabilities of the Transmission Company, in or under the mortgage dated August 16th, 1905, made between the Transmission Company and the Toronto General Trusts Corporation, and /or two certain agreements, the one dated 20th April, 1910, made between the Power Company, the Transmission Company, the Toronto General Trusts Corporation, and the Holders from time to time of the five per cent. first mortgage gold bonds of the Transmission Company, and the other dated 11th June, 1910, made between the Transmission Company, the Standard Trust Company of New York, the Power Company and the Holders from time to time of the said first mortgage gold bonds of the Transmission Company.

(e) All obligations and liabilities of the Power Company and /or the Transmission Company under any and all contracts or agreements between the Power Company and /or the Transmission Company and the Commissioners of the Queen Victoria Niagara Falls Park.

(f)

(f) All obligations and liabilities of the Power Company and, or the Transmission Company under all power supply contracts (whether made originally by the Power Company and/or the Transmission Company or otherwise), with the following parties:-

Niagara, Lockport and Ontario Power Company,
 Canadian Steel Foundries, Limited,
 Canada Cement Company, Limited,
 Canadian Ramapo Iron Works,
 Electro-Metals, Limited,
 Department of Railways and Canals,
 Coniagas Reduction Company,
 American Cyanamid Company,
 Town of Merritton,
 Hydro-Electric Power Commission,
 The Norton Company,
 Dain Manufacturing Company, Limited,
 Cronmiller & White Brewing Company,
 C. Reichman & Son,
 James Battle,
 Page, Hersey Iron Tube and Lead Company, Limited,
 The Robinson Bros. Cork Co., Limited,
 Ontario Paper Company, Limited,
 Charles T. Grantham (Empire Cotton Mills),
 Metals-Chemical, Limited,
 A. E. Augustine,
 Beaver Wood Fibre Company, Limited,
 Corporation of Port Colborne,
 Humberstone Village,
 Humberstone Summer Resort,
 H. J. Shore,
 Ideal Baking Company,
 Humberstone Shoe Company,
 P. Noxel,
 Woods & Son,
 R. A. Wilson,
 E. Reeb.

(g) All obligations and liabilities of the Power Company and / or the Transmission Company, under three contracts for the purchase of power from the Toronto Power Company of Ontario, Limited, dated respectively, September 5th, 1914; October 13th, 1915, and March 17th, 1916.

(h) All written contracts and engagements which the Power Company and / or the Transmission Company may make or enter into in the ordinary course of business prior to the time for completion.

(i) All leases and contracts for crossings, rights of way and pole, wire, cable and transmission rights and privileges which the Power Company and / or the Transmission Company shall hold, possess or be liable for at the time for completion, and all liabilities and obligations in respect of rentals or otherwise thereunder.

(j) All assessments, rates and taxes, including local improvement rates.

(k) Obligation of Power Company for commissions on all power sold to Ontario Paper Company, Limited, and Beaver Wood Fibre Company, Limited.

(l) All obligations and liabilities of the Power Company and / or the Transmission Company on contracts for telephone service.

(m) Any obligation or liability of the Power Company or of R. C. Board in connection with the mortgage on the house mentioned under letter (a) in Schedule "C" to the annexed agreement.

CHAPTER 15.

An Act to amend The Highway Improvement Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.
c. 40
amended.

1. *The Highway Improvement Act* is amended by adding thereto the following section:

Power to
close high-
ways while
undergoing
construction
or repairs.

30.—(1) While the construction, repair or improvement of any road assumed by a county under the authority of this Act is in progress, the road superintendent, or any person authorized by him, may close the highway or any portion thereof to traffic for such time as he may deem necessary, and subject to the provisions hereinafter contained any person using a highway so closed shall do so at his own risk and shall not have a right to recovery of damages in case of accident or injury.

Alternative
route to be
provided.

(2) Upon closing any highway as provided herein it shall be the duty of the Corporation of the County to provide and keep in repair a reasonable alternative route for through traffic and shall provide a suitable by-road for all owners who cannot obtain access to their property by any other public road, and during the period such highway or portion thereof is closed the alternative route and by-road, including a township highway, shall be under the jurisdiction of the Council of the County.

Erection of
barricades
and detour
signs.

(3) The road superintendent or the person authorized by him shall upon closing a highway or portion thereof protect the same by erecting or causing to be erected at each end of the highway so closed and where the alternative route deviates therefrom, a substantial barricade upon which shall be exposed and kept burning continuously from

sunset

sunset until dawn, a red light, and at such points shall put up a detour sign indicating the alternative route and containing a notice of closing the highway for traffic.

- (4) Any road superintendent or any person authorized by him who closes any highway or portion thereof to traffic and who neglects or fails to erect or maintain the barricade, light, notice or detour sign aforesaid while such road is closed and any person who uses any highway so closed while the same is protected as aforesaid without authority from the road superintendent, or who removes or defaces any barricade, light, detour sign or notice, shall incur a penalty not exceeding ten dollars (\$10.00), recoverable under *The Ontario Summary Convictions Act*, and such person so wrongfully using the highway so closed shall also be liable for any damage or injury done to the highway occasioned by such trespass.

Penalties.

Rev. Stat.
c. 90

CHAPTER 16.

An Act to amend The Act to Aid in the Improvement of Public Highways.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Highway Improvement Act, 1918*.

Additional
sum of
\$1,000,000
for road
improve-
ment.

2. The sum of \$1,000,000 is hereby set apart out of the Consolidated Revenue Fund to aid in the improvement of public highways, and for the payment of grants or expenditures for that purpose, as provided by *The Highway Improvement Act, The Ontario Highways Act, 1915, The Provincial Highways Act*, and any other Act for the construction, acquisition or improvement of public highways.

Application
of fund.

3. The said sum shall be in addition to any sum heretofore set apart for the like purpose, and shall be applied and expended in the manner and for the purposes and subject to the terms set out in the Acts referred to in section 2 or any of them.

Rev. Stat.
c. 40, s. 3,
amended.

4. Section 3 of *The Highway Improvement Act* is amended by striking out the figures "3,000,000" in the first line and substituting therefor the figures "4,000,000."

CHAPTER 17.

An Act to amend The Ontario Highways Act, 1915.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Ontario Highways Act, 1915*, as ^{5 Geo. V,} amended by section 3 of *The Ontario Highways Amendment* ^{c. 17, s. 17,} *Act, 1916*, and by section 4 of *The Ontario Highways Act, 1917*, is further amended by adding thereto the following subsections:

- (6) A member of the commission appointed by the council of the county, city or town may be removed and another commissioner appointed in his place by a vote of two-thirds of the members of the council present and voting thereon, at any regular meeting of the council, provided that notice of the intention of the council to determine the question of such removal has been given at the next preceding meeting of the council. ^{Removal of suburban road commissioners.}
- (6a) Every commission constituted under this section or under section 12 shall be a body corporate, and the name by which each such commission is to be designated shall be fixed by the Lieutenant-Governor in Council. ^{Incorporation and name.}

CHAPTER 18.

An Act to amend The Toronto and Hamilton Highway Commission Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

5 Geo. V, c.
18, s. 9;
7 Geo. V, c.
19, s. 2,
amended.

1. Subsections 3 and 4 of section 9 of *The Toronto and Hamilton Highway Commission Act* as enacted by section 2 of *The Toronto and Hamilton Highway Commission Act, 1917*, are repealed and the following subsections substituted therefor:

Widening
and con-
struction
according
to different
specifica-
tions.

(3) Where the course of the road as laid down on the plan of the roadway mentioned in subsection 1 or as varied under the provisions of subsection 2 shows the highway or part of the highway to be less than sixty-six feet in width the Commission may:

- (a) Widen the highway to not more than sixty-six feet; or
- (b) Construct the roadway according to specifications different to those applicable to the remainder of the roadway including, if thought proper by it, storm sewers, curbs, drains and any other services and the widening of such highway to any width less than sixty-six feet;

and the additional cost of construction occasioned by such different specifications and the whole cost of such widening shall be borne and paid by the corporation of the municipality in which the widening or the construction according to such different specifications is done and shall be paid by such corporation to the Commission on demand

mand during the progress of the work as certified to by the Engineer of the Commission.

- (4) The municipal corporation so liable may raise or levy the amount payable by it under the provisions of subsection 3 by a general rate on all the rateable property in the municipality or by a special rate levied under the provisions of *The Local Improvement Act* upon the land abutting directly on or immediately benefited by the work or partly by such general rate and partly by such special rate as the council of the corporation may determine.

2. Clause (c) of subsection 1 of section 9a of *The Toronto and Hamilton Highway Commission Act* as enacted by section 3 of *The Toronto and Hamilton Highway Commission Act 1917*, is repealed and the following substituted therefor:

- (c) Directing that the amount required to be raised to pay the share of the cost apportioned to any municipal corporation may be raised by it by a general rate on all the rateable property in the municipality or by a special rate levied under the provisions of *The Local Improvement Act* upon the land abutting directly on or immediately benefited by the work or partly by such general rate and partly by such special rate as the Board may direct.

3.—(1) Subsection 1 of section 11 of *The Toronto and Hamilton Highway Commission Act*, as amended by section 3 of *The Toronto and Hamilton Highway Commission Act, 1916*, is further amended by adding after the word "maintain" in the fifth line, the words "and such opinion is concurred in by The Ontario Railway and Municipal Board in case the corporation of the county or town does not agree with the opinion of the Commission."

(2) Subsection 1 of section 11 of *The Toronto and Hamilton Highway Commission Act* is amended by striking out the word "city" in the first line of the words added to that subsection by section 4 of *The Toronto and Hamilton Highway Commission Act, 1917*.

(3) Section 11 of *The Toronto and Hamilton Highway Commission Act* is amended by striking out all the words in the last line of subsection 4 and substituting therefor the following words:

"And the Board may direct that the corporation liable shall during the progress of the work pay on demand to the Commission its proportion of the actual expenditures made by the Commission as certified by the Engineer of the Commission and the engineer of the corporation from time to time, and in case such engineers do not agree, then as may be certified by an engineer appointed by the Board."

5 Geo. V. c.
18, s. 11,
amended.

4. Section 11 of *The Toronto and Hamilton Highway Commission Act* is amended by adding the following subsections:

Determina-
tion of dis-
putes after
completion
of work.

(5) If after the completion of the work any dispute shall arise as to the respective liabilities of the corporation and the Commission in respect of the cost of the work in question the same shall be determined by The Ontario Railway and Municipal Board.

Finality
of orders

(6) Any order of the Board made under the provisions of this section shall be final and binding in law and in fact, and shall not be open to question in any court.

5 Geo. V. c.
18, s. 12;
7 Geo. V. c.
19, s. 5,
amended.

5. Subsection 5 of section 12 of *The Toronto and Hamilton Highway Commission Act* as enacted by section 5 of *The Toronto and Hamilton Highway Commission Act, 1917*, is amended by adding after the words "shall not" at the end of the third line and also after the words "shall not" in the eighth line the words "except with the approval of The Ontario Railway and Municipal Board on the application of the Commission."

5 Geo. V. c.
18, s. 12;
7 Geo. V. c.
19, s. 5,
amended.

6. Subsection 9 of section 12 of *The Toronto and Hamilton Highway Commission Act* as enacted by section 5 of *The Toronto and Hamilton Highway Commission Act, 1917*, is amended by inserting after the words "shall not" in the first line the words "except with the approval of the Commission and the company."

5 Geo. V. c.
18, s. 13,
amended.

7. Subsection 2 of section 13 of *The Toronto and Hamilton Highway Commission Act* is amended by inserting after the word "roadway" in the seventh line the words "or that any bridge to be replaced, reconstructed, enlarged or altered under section 11 shall be of a greater width than the ordinary width of bridges upon the roadway," and by adding after the word "roadway" in the ninth and thirteenth lines the

words

words "or bridge," and by adding at the end of the said subsection the words "and may be raised and levied as provided by subsection 4 of section 9."

8. Subsection 1 of section 16a of *The Toronto and Hamilton Highway Commission Act*, as enacted by section 6 of ^{5 Geo. V, c. 18, s. 16a;} *The Toronto and Hamilton Highway Commission Act*, ^{7 Geo. V, c. 19, s. 6,} 1917, is amended by striking out all the words after the word "or" in the 5th line and substituting therefor the words "*The Ontario Temperance Act* or regulations made under the said Acts or any of them committed on any part of the highway or roadway."

9. Subsection 3 of section 17 of *The Toronto and Hamilton Highway Commission Act* is repealed and subsection 4 ^{5 Geo. V, c. 18, s. 17;} of section 17 of the said Act as enacted by section 4 of *The Toronto and Hamilton Highway Commission Act*, 1916, is ^{7 Geo. V, c. 16, s. 4,} amended and the following substituted therefor:

(3) The Commission may appoint constables for the enforcement of the provisions of this Act, ^{Appointment and powers of constables.} *The Motor Vehicles Act* and *The Ontario Temperance Act*, and regulations made under said Acts or any of them, and any such constable shall have the same powers as a constable acting under any of the said Acts or under any other Act or under a municipal by-law and may exercise such powers in any municipality through which the highway or any part thereof passes.

(4) All fines and penalties recovered for offences committed on the highway or roadway against this Act, *The Motor Vehicles Act*, *The Ontario Temperance Act*, or regulations made under any of the said Acts shall be paid over to the Commission, notwithstanding anything contained in any statute or regulation, but any fine or penalty recovered for an offence against *The Ontario Temperance Act* on the information or complaint of a constable in the service of a municipal corporation, including a constable appointed under subsection (4a), shall belong to and be paid over to the corporation. ^{Fines and penalties.}

(4a) With the consent of the council of any municipality through which any part of the highway passes the Commission may appoint as its constable any constable in the service of the corporation of such municipality. ^{Appointment of municipal constable.}

- (4b) Subject to the provisions of this section any constable in the service of a municipal corporation shall have the same powers and be subject to the same duties as though this Act had not been passed.

5 Geo. V,
c. 18 (9),
6 Geo. V,
c. 16, s. 5,
amended.

10. Subsection 9 of section 18 of *The Toronto and Hamilton Highway Commission Act* as enacted by section 5 of *The Toronto and Hamilton Highway Commission Act, 1916*, is amended by inserting after the word "roadway" in the fifth line the words "or the replacement, reconstruction, enlargement or alteration of bridges as provided by section 11."

5 Geo. V,
c. 18,
s. 19 (3),
6 Geo. V,
c. 16, s. 6,
amended.

11.—(1) Subsection 3 of section 19 of *The Toronto and Hamilton Highway Commission Act* as enacted by section 6 of *The Toronto and Hamilton Highway Commission Act, 1916*, is amended by striking out all the words after the word and figures "section 14" in the 20th line.

S. 19 (4)
amended.

(2) Subsection 4 of the said section 19 is amended by striking out all the words after the word and figures "section 14" in the twelfth line.

Subs. 4a
added.

(3) The said section 19 is amended by adding the following as subsection 4a:

General or
special rate.

(4a) The amount required to be paid over to the Commission under the preceding subsections by each of the corporations shall be raised and levied by a general rate on all the rateable property in the municipality.

S. 19 (5)
amended.

(4) Subsection 5 of the said section 19 is amended by striking out all the words after the word "raised" in the eighteenth line and substituting therefor the words "by a general rate on all the rateable property in the municipality or by a special rate levied under the provisions of *The Local Improvement Act* upon the land abutting directly on or immediately benefited by the work, or partly by such general rate and partly by such special rate as the council may determine."

S. 19 (5)
amended.

(5) Clause (a) of subsection 5 of said section 19 is amended by striking out all the words after the word "deducted" in the eighth line.

S. 19 (6)
repealed.

(6) Subsection 6 of the said section 19 is repealed.

12. Subsection 1 of section 21 of *The Toronto and Hamilton Highway Commission Act* is repealed and the following substituted therefor:

5 Geo. V. c.
18, s. 21 (1)
repealed.

- (1) Any municipal corporation other than the County of York liable to pay any portion of the cost of any work done under the provisions of this Act, except the cost of maintenance and repair, may issue debentures payable in not more than twenty years from the date thereof for the purpose of providing for its share of such cost and the interest thereon, and any such by-law shall be in accordance with the provisions of *The Municipal Act* or *The Local Improvement Act* as the case may be, except that it shall not be necessary to obtain the assent of the electors.

Issue of
debentures.

13.—(1) Section 21 of *The Toronto and Hamilton Highway Commission Act* is amended by inserting after the words “five years” in the seventh line of subsection 2 the words “from the date thereof.”

5 Geo. V. c.
18, s. 21 (2),
amended.

(2) Subsection 2 of the said section 21 is further amended by striking out the words “in the electoral districts of East York and West York” in the fifth line and substituting therefor the words “in the said county.”

14. Subsection 5 of section 22 of *The Toronto and Hamilton Highway Commission Act* is amended by adding at the end the following clause:

5 Geo. V.
c. 18, s. 22,
amended.

- (a) For the purposes of this subsection the contribution of the County of York to the cost of construction shall be deemed to include the contributions of the municipal corporations of the Township of Etobicoke and the Villages of Mimico and New Toronto under subsection 5 of section 19.

15. Section 22a of *The Toronto and Hamilton Highway Commission Act*, as enacted by section 11 of *The Toronto and Hamilton Highway Commission Act, 1917*, is amended by striking out the words “recovered under this Act” in the first line and substituting therefor the words “received by the Commission.”

5 Geo. V.
c. 18, s. 22a;
7 Geo. V.
c. 19, s. 11,
amended.

16. Subsection 1 of section 24 of *The Toronto and Hamilton Highway Commission Act* as enacted by section 8 of *The Toronto and Hamilton Highway Commission Act, 1916*, is amended by striking out the word “highway” in the line and substituting therefor the word “roadway.”

5 Geo. V.
c. 18, s.
24 (1); 6
Geo. V. c.
16, s. 8,
amended.

5 Geo. V, c.
18, s. 24 (2),
repealed.

17. Subsection 2 of section 24 of *The Toronto and Hamilton Highway Commission Act* is repealed and the following substituted therefor:

Levy of
additional
cost.

- (2) The additional cost incurred under any such agreement with any owner of land shall be paid by the owner to the Commission on demand and the additional cost incurred under any such agreement with a municipal corporation shall be borne and paid solely by such municipal corporation and shall be payable to the Commission upon demand in accordance with the terms of the agreement and may be raised and levied by general rate on all the rateable property in the municipality or by a special rate levied under the provisions of *The Local Improvement Act* upon the land abutting directly on or immediately benefited by the work or partly by such general rate and partly by such special rate as the council of such corporation may determine.

5 Geo. V.
c. 18,
amended.

18. *The Toronto and Hamilton Highway Commission Act* is amended by adding thereto the following as section 31:

Construction
of spur
line on
Plains Road
confirmed
and appor-
tionment of
cost.

- 31.—(1) In pursuance of an agreement between the Corporation of the County of Wentworth and the Commission dated the 13th day of October, 1914, and of a resolution of the council of the said county dated the 28th day of January, 1915, and in pursuance of an agreement between the Corporation of the Township of East Flamboro and the Commission, dated the 16th day of October, 1914, and of a resolution of the council of the said township, dated the 27th day of January, 1915; and in pursuance of an agreement made between the Corporation of the Township of Nelson and the Commission, dated the 30th day of September, 1914, and of a resolution of the council of the said township, dated the 27th day of January, 1915, the construction of the spur line on what is known as the Plains Road is confirmed and declared to be legal, valid and binding, and the cost of the said spur line shall be borne and paid for as follows:

- (a) Within five years from the first day of November, 1914, the Corporation of the County of Wentworth shall pay to the Commission the sum of \$1,948.91 together with interest thereon at the rate of six per centum per

per annum, computed from the first day of January, 1918.

- (b) Within five years from the first day of November, 1914, the Corporation of the Township of East Flamboro shall pay to the Commission the sum of \$1,262.03 together with interest thereon at the rate of six per centum per annum, computed from the first day of January, 1918.
- (c) Within five years from the first day of November, 1914, the Corporation of the Township of Nelson shall pay to the Commission the sum of \$11,817.63 together with interest thereon at the rate of six per centum per annum, computed from the first day of January, 1918.
- (2) The amount payable by the corporation of the County of Wentworth under this section shall be raised and levied by general rate on all the rateable property in the county. General rate for share of County of Wentworth.
- (3) Each of the said municipal corporations of the Township of East Flamboro and the Township of Nelson may raise the amount payable under the provisions of this section by a general rate on all the rateable property in the municipality or by a special rate levied under the provisions of *The Local Improvement Act* upon the land abutting directly on or immediately benefited by the construction of the said spur line or partly by such general rate and partly by such special rate as the council may determine. General or special rate in Townships of East Flamboro and Nelson.
- (4) Each of the municipal corporations liable to contribute to the cost of the construction of the said spur line, as above provided, may issue debentures payable in not more than twenty years from the date thereof for the purpose of providing for its share of the cost of such spur line and interest, and any such by-law shall be in accordance with the provisions of *The Municipal Act* or *The Local Improvement Act*, as the case may be, except that it shall not be necessary to obtain the assent of the electors thereto. Issue of debentures.

19. The resolutions passed by the Council of the Corporation of the Village of New Toronto set forth in Schedule "A" hereto are hereby confirmed and declared to be legal, valid and binding on the said corporation and the said corporation shall pay to the Commission on demand the cost as certified Resolutions of Village of New Toronto confirmed.

certified by the engineer of the Commission of the work done by the Commission pursuant to such resolutions.

By-law No.
204 of Town
of Mimico
confirmed.

20. By-law No. 204 of the Municipal Corporation of the Town of Mimico, read a third time and finally passed on the 26th day of May, 1917, providing for the construction of storm sewers and curbs, and for the grading of boulevards, and the lengthening of culverts, and the re-enforcing of the pavement and for such other additional works as may be required on the new roadway through Mimico is confirmed and declared to be legal, valid and binding.

Town of
Oakville
authorized
to borrow
\$5,000 for
reconstruction
of certain
works.

21. The council of the corporation of the Town of Oakville may, without submitting the same to the electors qualified to vote on by-laws for the creation of debts, pass a by-law to borrow \$5,000 by the issue of debentures payable in not more than 10 years from the date thereof for the purpose of paying the balance of the indebtedness of the said corporation to The Toronto and Hamilton Highway Commission and of repairing and reconstructing sidewalks in the Town of Oakville which were damaged and destroyed by reason of the construction of the said Commission's roadway through part of the said town.

Confirma-
tion of de-
bentures of
Commis-
sion.

22. The debentures numbered 1 to 1355, both inclusive, issued by the Commission and certified by National Trust Company, Limited, are hereby confirmed and declared to be legal, valid and binding on the Commission and the guarantee thereof by the Province of Ontario is hereby confirmed and declared to be legal, valid and binding on the said province.

Grants in
aid of any
municipality
with ap-
proval of
Lieutenant-
Governor
in Council.

23. If the Commission finds that owing to its physical conformation or for any other reason, the share or proportion of the cost of construction of the roadway required to be raised in any municipality will be burdensome on that municipality, the Commission may, with the approval of the Lieutenant-Governor in Council, make a grant of such amount as may be thought proper to the corporation of such municipality out of any monies in its hands not required for the construction of the roadway and any such grant shall be included as part of the cost of construction in ascertaining the amount required to be paid by the Province of Ontario or by any municipal corporation towards the cost of the construction of the roadway under the provisions of this Act.

Certain
sections
retroactive.

24. Sections 1 to 10 shall be read and construed as if they had been passed on the 12th day of April, 1917; sections 11 and 17 as if they had been passed on the 27th day of

of April, 1916, and section 14 as if it had been passed on the 8th day of April, 1915.

25. This Act may be cited as *The Toronto and Hamilton Highway Commission Act, 1918.* Short
title.

SCHEDULE "A."

MUNICIPALITY OF NEW TORONTO.

May 21st, 1917.

Moved by Councillor Janes, seconded by Councillor Adam:

That the Toronto-Hamilton Highway Commission be and they are hereby instructed and authorized to proceed with the Lake Shore Road improvement on a 24-feet concrete highway with the necessary curbing and all necessary improvements to make this highway throughout the Municipality of New Toronto, a highway along the lines of city conditions.

This is to certify that the foregoing is a true copy of a resolution passed by the Municipal Council of New Toronto on the above date at a meeting thereof.

As witness my hand and the seal of the corporation this 4th day of June, 1917.

GEO. D. SCOTT,
Municipal Clerk.

(Seal)

MUNICIPALITY OF NEW TORONTO.

June 4th, 1917.

Moved by Councillor Fraser, seconded by Councillor McKnight:

That the clerk be and he is hereby instructed and authorized to write the Chairman of the Toronto-Hamilton Highway Commission, instructing him that the Council of the Corporation of New Toronto desire the commission to continue the curbing of the Lake Shore Road from Eleventh Street West to Fourth Avenue, so as to conform with the conditions of the municipality from Eleventh Street East, and that this municipality agrees to pay the cost of same. Carried.

This is to certify that the foregoing is a true copy of a resolution passed by the Municipal Council of New Toronto on the above date at a meeting thereof.

As witness my hand and the seal of the corporation this 4th day of June, 1917.

GEO. D. SCOTT,
Municipal Clerk.

(Seal)

CHAPTER 19.

An Act to provide for the Appointment of
Agricultural Representatives.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Agricultural Representatives Act*.

Appoint-
ment of
represent-
atives.

2. The Lieutenant-Governor in Council, upon the recommendation of the Minister of Agriculture, may appoint officers who shall be graduates of the Ontario Agricultural College and may be known as agricultural representatives.

Assistants
and clerks.

3. The Minister of Agriculture may appoint assistants to agricultural representatives and may employ such clerical and other assistance as he may deem necessary for the purposes of this Act.

Duties and
expenditure

4. The agricultural representatives shall perform such duties as the Minister of Agriculture, or such officer of the Department of Agriculture as he may designate, may from time to time direct and any moneys appropriated by the Legislature for the purposes of this Act shall be expended subject to such direction.

County
grants.

5.—(1) In every county for which an agricultural representative is appointed the county council shall, in each year, on or before a date to be fixed by the Minister of Agriculture, pay into a bank to the credit of the agricultural representative the sum of \$500 for the purpose of assisting in carrying on the work of the agricultural representative,

and

and such sum shall be paid out from time to time by the agricultural representative with the approval of the Minister of Agriculture or of the officer designated as provided in section 4.

(2) An annual statement of the disposition made of the ^{Annual} sum so set apart, together with a statement of the work ^{statement.} carried on by the agricultural representative in the county during the preceding year shall be furnished to the county council.

6. The Act passed in the fourth year of His Majesty's ^{4 Geo. V.} reign, chapter 20, is repealed. ^{c. 20 is} repealed.

CHAPTER 20.

The Statute Law Amendment Act, 1918.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 2, s. 5,
ss. 2,
amended.

1.—(1) Subsection 2 of section 5 of *The Statutes Act* is repealed and the following substituted therefor:

Commence-
ment of
Acts.

(2.) Such endorsement shall be taken to be a part of the Act and unless otherwise provided therein the Act shall come into force and take effect on the 60th day after the day of the date of the assent or signification, as the case may be.

When
amendment
to take
effect.

(2) Subsection 1 shall come into force on the 1st day of January, 1919.

Rev. Stat.,
c. 2,
amended.

2. *The Statutes Act* is amended by adding thereto the following section:

Proclama-
tion bring
Act into
force.

5a. Where in any Act it is provided that the same is to come into force on a day to be named by the Lieutenant-Governor by his proclamation, or shall not come into force until a day to be so named, any such proclamation may apply to the whole or any part or parts, or portion or portions, or section or sections of the Act, and proclamations may be issued as to any part, or parts, or portion or portions, or section or sections, of the Act at different periods.

Rev. Stat.,
c. 8, s. 90,
amended.

Hours of
polling in
Toronto
and East
and West
York.

3. Section 90 of *The Ontario Election Act*, as amended by section 14 of *The Election Law Amendment Act, 1914*, is further amended by striking out the words "eight o'clock in the forenoon" and substituting the words "six o'clock in the forenoon."

4. Clause (b) of subsection 2 of section 10 of *The Legislative Assembly Act*, as enacted by section 1 of the Act (2) (b), passed in the 4th year of His Majesty's reign chaptered 7, is amended by striking out the following words in brackets:

(except officers on the staff of the Militia receiving permanent salaries).

Disqualification removed.

5. Section 72 of *The Legislative Assembly Act* is amended by adding thereto the following subsection:

Rev. Stat. c. 11, s. 72, amended.

(2) In the case of a Member on military service in England or on the Continent of Europe during the present war, who has returned on furlough from overseas for the purpose of attending a Session, his place of residence shall be deemed to be the last place at which he so served on the Continent of Europe or in Britain, as the case may be, and the distance going and coming shall be reckoned and determined and certified accordingly.

Mileage of members of Assembly attending from overseas.

6. Subsection 2 of section 4 of *The Executive Council Act* is amended by striking out the figures "\$3,000" and substituting therefor the figures "\$6,000," and this amendment shall take effect as from the 1st day of November, 1917.

Rev. Stat. c. 15, s. 4, ss. 2, amended. Salary of Prime Minister.

7. Item (c) in section 40 of *The Sheriffs' Act* is hereby repealed.

Rev. Stat., c. 16, s. 40, amended.

8. Subsection 1 of section 41 of *The Sheriffs' Act*, as enacted by section 4, of chapter 21, 4 George V, is amended by substituting "\$1,800" for "\$1,500" where the same appears in the 6th and 10th lines thereof.

Rev. Stat., c. 16, s. 41, ss. 1, amended.

9. Section 2 of *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following subsection:

Rev. Stat., c. 38, s. 2, amended.

(5) A member of the Executive Council without portfolio who is a member of the Assembly, may be appointed as one of the commissioners, and notwithstanding anything contained in *The Legislative Assembly Act*, his election as a member of the Assembly shall not by reason of the payment to him of any salary or other remuneration under this Act, or the acceptance thereof, be avoided, nor shall he vacate or forfeit his seat or incur any of the penalties imposed by *The Legislative Assembly Act* for sitting and voting as a member of the Assembly.

Appointment of member of executive council as commissioner.

Rev. Stat., c. 11.

Rev. Stat.,
c. 44, s. 2,
amended.

Date of
debentures.

10.—(1) Section 2 of *The Tile Drainage Act* is amended by striking out of the sixth and seventh lines the words “first day of August,” and substituting therefor the words, “date of such debentures which must bear date”.

Amendment
retroactive.

(2) The amendment made by subsection 1 shall take effect as from the 1st day of December, 1916.

Rev. Stat.,
c. 45, s. 9-17,
repealed.

11. *The Department of Agriculture Act* is amended by striking out sections 9 to 17 inclusive.

Rev. Stat.,
c. 47, s. 13,
amended.

12. Section 13 of *The Agricultural Societies' Act* is amended by striking out “(3)” in the first line of the fourth paragraph thereof and substituting “(3a)” therefor.

Rev. Stat.,
c. 47, s. 16,
ss. 1,
amended.

13. Subsection 1 of section 16 of *The Agricultural Societies' Act* is amended by striking out the figure “2” in the fourth line thereof and substituting the figure “3” therefor.

Rev. Stat.,
c. 47, s. 32,
ss. 6,
amended.

14. Subsection 6 of section 32 of *The Agricultural Societies' Act* is repealed and the following substituted therefor:

Penalty for
conducting
improper
shows or
amusements
at fairs.

(6) Every person guilty of a violation of any of the provisions of this section, in addition to any other liability which he may incur thereby, shall incur a penalty of not less than \$100 nor more than \$300 for a first offence, and in default of immediate payment of the penalty, shall be imprisoned for a period of three months unless the penalty or costs are sooner paid, and for every offence committed after conviction for a first offence, shall be liable to imprisonment for a period of six months;

Application
of Rev. Stat.,
c. 90.

(6a) *The Ontario Summary Convictions Act* shall apply as to prosecutions for offences under subsection 6.

Rev. Stat.,
c. 60, s. 11,
ss. 2,
amended.

15. Subsection 2 of section 11 of *The General Sessions Act* is repealed, and the following substituted therefor:

Clerk of the
peace; quali-
fication and
residence.

(2) No person shall be appointed Clerk of the Peace who is not a barrister of at least three years' standing at the Bar of Ontario, and except where otherwise provided by Order-in-Council, a resident of the county or district for which he is appointed. Except in the County of York every

Clerk of the Peace shall be *ex officio* Crown Attorney for the county or district for which he is Clerk of the Peace.

16. Subsection 2 of section 36 of *The Division Courts Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 63, s. 36,
ss. 2,
amended.

- (2) The cost of all books and forms, required by this Act to be kept by the clerk and bailiff shall be repaid to him by the treasurer of the county, upon the certificate of the inspector.

Cost of
Division
Court
books and
forms.

17. Section 14 of *The Crown Administration of Estates Act* is amended by adding thereto the following words: "and an amount not exceeding 5 per cent. of all moneys received by him as administrator."

Rev. Stat.,
c. 73, s. 14,
amended.

18. Section 30 of *The Police Magistrates' Act* is amended by striking out the words "*The Liquor License Act*" in the eleventh line thereof and substituting therefor the words: "*The Ontario Temperance Act*".

Rev. Stat.,
c. 88, s. 30,
amended.

19. *The Police Magistrates' Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 88,
amended.

- 35.—(1) Notwithstanding anything in this Act or in the commission appointing a police magistrate, the Attorney General of Ontario may at any time, by writing under his hand direct a police magistrate appointed under this Act to act in and for any part of Ontario, and a police magistrate to whom such direction is given shall have the same jurisdiction and powers within the territory in which he is so directed to act as within the territory named in his commission.

Conferring
provincial
jurisdiction
on police
magistrate.

- (2) Any such direction may be limited as to the period during which the jurisdiction and powers of the police magistrate may be exercised or as to the class of cases to which such jurisdiction and powers may extend.

Terms upon
which
powers may
be granted.

20. Subsection 2 of section 32 of *The Police Magistrates Act* is amended by striking out the word "magistrate" in the sixth line thereof and substituting therefor the word "magistrates," and by inserting after the word "Kingston" in the sixth line thereof the words "and the city of London".

Rev. Stat.,
c. 88, s. 32,
amended.

21. Section 3 of *The Crown Attorneys' Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 91, s. 3,
amended.

Qualification
and resi-
dence of
Crown
Attorney.

3. No person shall be appointed a Crown Attorney or shall act in that capacity who is not a barrister-at-law of at least three years' standing at the Bar of Ontario and except where otherwise provided by Order-in-Council, a resident in the county or district for which he is appointed.

Rev. Stat.,
c. 119, s. 13,
amended.

22. Section 13 of *The Devolution of Estates Act* is amended by inserting after the word "Act" in the sixth line thereof the words "and subject as hereinafter provided," and by adding thereto the following subsection:

Title to
lands not to
vest under
unprobated
will or intes-
tacy until
succession
duty paid.

- (7) No title to any lands which may devolve by reason of any will which has not been proved or registered or by reason of any intestacy in respect of which letters of administration have not been granted, shall vest in the person or persons entitled thereto or in any purchaser from him or them unless and until either the consent in writing of the Treasurer of Ontario to the vesting of such title, or a certificate of the Registrar of the Surrogate Court of the County in Ontario where the deceased had a fixed place of abode, or where the lands or any of them are situate, showing that a statement has been filed with him similar to that required by section 11 of *The Succession Duty Act*, shall be registered with the Registrar of Deeds of the county or district in which the lands, or any of them, are situate.

Rev. Stat.,
c. 121, s. 29
(1) (a), (b),
amended.

23. The operation of the last two lines of clauses (a) and (b) of subsection 1 of section 29 of *The Trustee Act* dealing with the market value of stock shall be suspended during the present war and until the close of the first session of the Legislature to be held thereafter.

Rev. Stat.,
c. 125, s. 7,
amended.

24. Section 7 of *The Custody of Documents Act* is amended by adding to the end thereof the following: "For entering upon the Abstract Index for each lot in excess of 4 lots, 5c."

Rev. Stat.,
c. 132, s. 2,
amended

25. Section 2 of *The Definition of Time Act* is amended by adding the following subsections:

Order-in-
Council may
vary reckon-
ing of
standard
time.

- (4) The Lieutenant-Governor in Council may from time to time make regulations, and may from time to time amend, modify, suspend, repeal and re-enact such regulations, varying the reckoning of standard time as defined by subsections 2 and 3 hereof.

(5)

- (5) Such regulations may authorize the Ontario Railway and Municipal Board to fix the time tables of all railways subject to its control, and to make such other orders as may be necessary for the convenient carrying out of the provisions of this Act, in so far as may be necessary or convenient for carrying out the said regulations.
- Rearrange-
ment of
railway time
tables, etc.

26. Notwithstanding the provisions of section 5 of *The Ontario Medical Act*, the members of the present Council of The College of Physicians and Surgeons of Ontario are hereby continued in office for the additional period of one year as if originally elected or appointed as the case may be for the period of five years.

Rev. Stat.,
c. 161.

Present
medical
council
continued in
office.

27. Section 3 of *The Veterinary Surgeons' Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 171, s. 3,
amended.

- (2) All penalties recovered under this section shall be paid to the convicting Justice, who shall pay the same to the treasurer of the Ontario Veterinary Association, and the same shall thereupon form part of the fees of the said Association, and be accounted for as such.
- Application
of penalties.

28. Section 43 of *The Ontario Companies Act* is amended by striking out the word "two" in the fifth line and substituting therefor the word "six".

Rev. Stat.,
c. 178, s. 43,
amended.

29. Section 90 of *The Ontario Companies Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 178, s. 90,
amended.

- 1a. A company may by by-law provide for the election of a chairman of The Board of Directors, and define his duties and may assign to the chairman of the Board of Directors any or all of the duties of the president or other officer of the company as prescribed by this Act, and in that case the by-law shall fix and prescribe the duties of the president:
- Chairman of
board of
directors.

- (a) When a by-law has been passed under the provisions of this subsection for the appointment of a chairman of the Board of Directors, this Act so far as it affects the company passing the by-law shall be read as if the chairman of the Board of Directors had been named in the Act instead of the president, so far as the by-law transfers or assigns the duties of the president to the chairman of the Board of Directors.

Rev. Stat.
c. 178, s. 151,
amended.

30. Section 151 of *The Ontario Companies Act* is amended by adding thereto the following subsections:

Action for
sale of
shares on
non-payment
of calls.

(6) In lieu of proceeding to sell under the preceding subsections, the company may maintain an action for the sale of the shares in the Supreme Court and process in such action may be served upon a shareholder resident out of the jurisdiction in the same manner and subject to the same condition as process is permitted to be served out of the jurisdiction in cases provided for by the Consolidated Rules.

Action to
determine
right to sell.

(7) When there is any question raised as to the validity of a call or as to the right to sell, an action may be brought in the Supreme Court for the purpose of determining the validity of the call and the right to sell and process in such action may be served on a shareholder resident out of the jurisdiction as provided in subsection 6.

Rev. Stat.
c. 179, s. 16,
amended.

31. Section 16 of *The Extra Provincial Corporations Act* is amended by striking out the word "it" at the end of the fifth line and substituting therefor the words "any extra provincial corporation coming within class 9".

Rev. Stat.,
c. 183, s. 78e,
amended,
6 Geo. V,
c. 36.

32. Section 78e of *The Ontario Insurance Act* as enacted by section 2 of *The Ontario Insurance Amendment Act, 1916*, is amended by striking out "78c" where it appears in the fourth line thereof, and substituting "78d" therefor.

Rev. Stat.
c. 183, s. 99a,
subs. 11,
amended;
4 Geo. V,
c. 30.

33. Subsection 11 of section 99a of *The Ontario Insurance Act* as enacted by section 5 of *The Ontario Insurance Amendment Act, 1914*, is amended by adding at the end thereof the following words: "or to agents transacting the business of live stock insurance."

Rev. Stat.,
c. 183, s. 241,
amended.

34. Section 241 of *The Ontario Insurance Act* is amended by adding thereto the following:

Reducing
fixed pay-
ment on
premium
notes.

Provided that when the amount of insurance in force exceeds \$3,000,000, and the total assets of the company do not fall below 2 per cent. of the total amount at risk, the superintendent may authorize the reduction of the fixed payment to one-eighth of one per cent. of the sum insured.

Rev. Stat.,
c. 184, s. 115,
amended.

35. Section 115 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection:

- (4) No trust company shall be registered to transact business in this province which has not a paid-up capital of at least \$100,000.

Paid up capital required before registration of trust company.

36. Section 136 of *The Loan and Trust Corporations Act* is amended by adding the following subsections:

Rev. Stat., c. 184, s. 136, amended.

- (6) The registrar may, by notice in writing, whenever he sees fit, require a corporation to make in addition to its annual or other returns required by this Act, a return verified by affidavit of one of its officers, or to furnish information verified in the same manner upon any subject connected with its affairs, and the corporation shall make the return within the time mentioned in the notice requiring the same.

Requiring additional information or returns from loan and trust corporations.

- (7) The notice in subsection 6 referred to may be made to the president, secretary, managing director or other officer or officers having apparent control of the books of the corporation, or any of them in the Province of Ontario, and non-compliance with such notice shall be an offence.

Notice requiring return or information.

37. The paragraph numbered 7 in section 5 of *The Assessment Act* is amended by adding at the commencement thereof the words "Except as provided in section 45 (a)."

Rev. Stat., c. 195, s. 5, amended.

38. *The Assessment Act* is amended by adding the following as section 26:

Rev. Stat., c. 195, amended.

26. The assessor shall mark the letters "L.F." meaning "Legislative Franchise," upon the assessment roll opposite the name of every person entered thereon who is assessed at his place of residence and who appears to be qualified to be entered on the list of voters prepared under *The Ontario Election Act, 1918*.

Assessor to mark persons qualified to vote at provincial elections.

39. *The Assessment Act* is amended by adding thereto the following section:

Rev. Stat., c. 195, amended.

- 45a.—(1) Land owned by or vested in a municipal corporation or commission or in trustees or any other body acting for and on behalf of a municipal corporation and used for the purpose of supplying water, light, heat or power to the inhabitants of the municipality, or for the purposes of a railway, electric railway, street railway or tramway shall be liable to assessment and taxation

Assessment of land used by municipal public utilities.

taxation for municipal and school purposes in the municipality in which it is situate at its actual value, according to the average value of land in the locality.

Exceptions.

- (2) Subsection 1 shall not apply to or include a highway, street, lane or other public place, nor shall it apply to or include buildings, machinery, works, structures, substructures, superstructures, rails, ties, pipes, poles and other property, works, or improvements, owned, used or controlled by such municipal corporation, commission, trustees or other body, nor an easement or the right of use or occupation or other interest in land not owned by such municipal corporation, commission, trustees or other body, but every such highway, street, lane or other public place, and all such buildings, machinery, works, structures, substructures, superstructures, rails, ties, pipes, poles and other property, works or improvements so owned, used or controlled, and every such easement or right shall continue to be exempt from assessment and taxation as heretofore.

Rev. Stat.
c. 196 s. 140,
ss. 1,
amended.

- 40.** Subsection 1 of section 140 of *The Assessment Act*, as enacted by 7 George V, chapter 45, section 13, is amended by striking out the figures "200,000" in the first line and inserting in lieu thereof the figures "100,000".

Rev. Stat.,
c. 198, s. 79,
ss. 1,
amended.

- 41.** Subsection 1 of section 79 of *The Municipal Drainage Act* is repealed and the following substituted therefor:

Assessing
damage for
overflow
instead of
repairing
drain on
report.

- 79.—(1) Where an engineer or surveyor is directed by the council to make an examination and report under section 77 or subsection 2 of section 78, and upon making such examination finds that the cost of changing the course of, making a new outlet for or otherwise improving, extending or altering the work so that it will be of sufficient capacity to carry off the water to a sufficient outlet will exceed the amount of injury caused or likely to be caused to low-lying lands along the course of or below the termination of the drainage work, then in lieu of such change of course, new outlet, improvement, extension or alteration or in lieu of any work, he may in his report estimate and provide for the compensation of the owners of such lands for any injuries sustained or likely to be sustained by reason of

no sufficient capacity or sufficient outlet being provided, and he shall in his report determine the amount to be paid to the respective owners of such low-lying lands in respect of such injuries.

42. Subsection 3 of section 9 of *The Children's Protection Act of Ontario*, is amended by adding thereto the following: Rev. Stat., c. 231, s. 9, ss. 3, amended.

And for such attendance the Crown Attorney shall be entitled to a fee of \$5, payable by the county. Fee of Crown Attorney.

43. *The Theatres and Cinematographs Act* is amended by striking out section 3 of said Act and substituting therefor the following: Rev. Stat., c. 236, s. 3, repealed.

3. The Lieutenant-Governor in Council may impose a license upon and make regulations for licensing and defining theatres and public halls and the using and operating of cinematographs, moving picture machines or other similar apparatus, for prescribing terms and conditions under which such machines shall be operated, for licensing, operating and defining film exchanges, for prohibiting or regulating films or slides to be exchanged or exhibited, for prescribing the terms and conditions under which such films may be sold, leased or exchanged, providing for payment of license fee or fees on each film displayed in Ontario, for regulating and examining operators and apprentices, for prohibiting or regulating the printing, exhibition or display of pictures or advertising matter, and fixing fees to be paid for censoring films, pictures or advertising matter. Licensing and regulating theatres, picture shows, etc.

44. *The Theatres and Cinematographs Act* is amended by adding thereto the following section: Rev. Stat., c. 236, amended.

18. Declarations or affidavits in connection with the issue of any license under this Act or required by regulations passed pursuant to this Act, may be taken before any person having authority to administer oaths or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor. Declarations and affidavits how taken.

Rev. Stat.,
c. 252, s. 2,
amended.

45. The clause lettered (d) in section 2 of *The Steam Boiler Act* is repealed and the following substituted therefor:

"Steam
boiler,"
meaning of.

(d) "Steam boiler" shall mean and include any vessel or structure in which steam is generated for power or heating purposes, and any vessel or other appliance in which steam, gas, air or liquid is contained under pressure, and shall include all pipes, apparatus and machinery attached to, or connected with a steam boiler.

Rev. Stat.,
c. 252, s. 3,
amended.

46. The clause lettered (a) of section 3 of *The Steam Boiler Act* is amended by adding at the end thereof the words "and the approval of designs and installation of high pressure steam piping and fittings."

Rev. Stat.,
c. 264, s. 4,
amended.

47. Section 4 of *The Wolf Bounty Act*, as amended by section 2 of the Act passed in the 6th year of His Majesty's reign chaptered 61, is amended by striking out the figures "\$10," and substituting therefor the figures "\$15."

Rev. Stat.,
c. 264, s. 4,
amended.

48. Subsection 3 of section 6 of *The Wolf Bounty Act*, as amended by section 4 of the said Act passed in the 6th year of His Majesty's reign, is amended by striking out the figures "\$10" and substituting therefor the figures "\$15."

Rev. Stat.
c. 271, s. 24,
amended;
4 Geo. V.,
c. 43.

49.—(1) Section 24 of *The Industrial Schools Act*, as amended in 1914 by section 2 of *An Act to Amend The Industrial Schools Act*, is amended by striking out the words "thirty cents" in the fifth line and inserting in lieu thereof the words "thirty-seven cents."

Rev. Stat.
c. 271, s. 28,
ss. 1,
amended.

(2) Subsection 1 of section 28 of *The Industrial Schools Act* as amended in 1914 by section 3 of *An Act to Amend The Industrial Schools Act*, is amended by striking out the words "thirty cents" in the first line and inserting in lieu thereof the words "thirty-seven cents."

Order-in-
Council
bringing
amendments
into force.

(3) Provided that this section shall not become operative unless and until so declared by the Lieutenant-Governor in Council.

Election of
members
to Senate,
University
of Toronto,
postponed
until after
present
war.
Rev. Stat.,
c. 279.

50. Notwithstanding the provisions of section 44 of *The University Act*, there shall be no election for members of the Senate until one year after the expiration of the present war.

Rev. Stat.
c. 298, s. 16,
ss. 1,
amended.

51. Subsection 1 of section 16 of *The Sanatoria for Consumptives Act* is amended by striking out the words in the sixth and seventh lines "a sum at the rate of \$3 per week for

each

each patient," and inserting in lieu thereof the words "a sum at the rate of not exceeding \$3.50 per week for each patient."

52. Section 15 of *The Toronto General Hospital Act* is ^{Rev. Stat., c. 299, s. 15,} amended by striking out the words, "the Board may sell, dispose of or mortgage," in the first line thereof, and substituting therefor the words "the Board may sell or dispose of," and by inserting after the word "best" in the fifth line thereof the words "and may mortgage any land vested in it."

53. Subsection 1 of section 22 of *The Toronto General Hospital Act* is amended by striking out the words "and the amounts subscribed by them respectively" at the end thereof. ^{Rev. Stat., c. 299, s. 22, ss. 1, amended.}

54. Section 8 of *The Amusements Tax Act, 1916*, is ^{6 Geo. V, c. 9, s. 8, amended.} amended by inserting after the word "Act" in the sixth line thereof, the words: "or who uses or resells a ticket which should have been destroyed," and by adding thereto the following subsection:

- (2) Every owner of a place of amusement contravening ^{Penalty.} any of the regulations passed pursuant to this Act, shall incur a penalty of not less than ten, and not more than two hundred dollars.

55. *The Amusements Tax Act, 1916*, is amended by adding thereto the following section: ^{6 Geo. V, c. 9, amended.}

12. Declarations or affidavits in connection with returns ^{Declarations and affidavits how taken.} filed under this Act, as required by the regulations in that regard, may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor.

56. Subsection 1 of section 11 of *The Trades and Labour Branch Act*, as enacted by section 3 of the Act passed in the seventh year of His Majesty's reign, chapter 15, is amended by striking out the word "employees" in the first and second lines and substituting therefor the word "employers." ^{6 Geo. V, c. 15, amended; 7 Geo. V, c. 15.}

57. *The Water Powers Regulations Act, 1916*, is amended by adding thereto the following section: ^{6 Geo. V, c. 21, amended.}

- 6a—(1) Where an inspector, appointed under section 4, has been directed or required by the Lieutenant-Governor in Council to exercise any of the powers, or to perform any of the duties set out ^{Inspector's application to judge for order when obstructed, etc.}

in clauses *a* to *e* of the said section, and the owner of the water power, or any officer, agent or servant of the owner of a water power, hinders, delays or obstructs the inspector in the performance of any such duty, or refuses to permit the inspector to enter upon the premises of the owner of the water power, or to carry out or exercise any of such powers and duties, the inspector may apply to the judge of the county or district court, or to a judge of the Supreme Court, in a summary manner, for an order directing the owner of the water power, his officers, agents or servants, to afford such facilities for inspection as may be necessary for carrying out this Act and the regulations, and require him to obey the orders of the inspector on that behalf, and to admit the inspector to the premises of the owner of the water power, and to cease from such obstruction, hindrance or delay, and to furnish the inspector with such information and records as he may require in order to comply with the direction or requirements of the Lieutenant-Governor in Council.

Order of
Judge.

- (2) Upon such application the judge may make such order as he deems requisite in order to secure compliance with this Act and the regulations and the performance by the inspector of his duties, and such order shall be final and shall not be subject to appeal.

Rev. Stat.
c. 79, to
apply.

- (3) *The Judges' Orders Enforcement Act* shall apply to every application and order made under this section.

6 Geo. V.
c. 24, s. 19,
amended.
Agreements
for payment
of commis-
sion on sale
of land.

58. Section 19 of *The Statute Law Amendment Act, 1916*, being chapter 24, 6 George V. is amended by adding after the word "writing" in the fifth line, the words "separate from the sale agreement."

7 Geo. V.
c. 27, s. 69,
amended.

59. Section 69 of *The Statute Law Amendment Act, 1917*, is amended by adding thereto the following subsections:

Separate
School Board
of Timmins
authorized to
raise funds.

- (4) The Board of Trustees of the Roman Catholic Separate School for the Town of Timmins, pending the sale of any of the debentures referred to in subsection 2 or in lieu of selling same may, by by-law from time to time, raise money by way of loan upon such debenture, and may hypothecate it for the loan thereon, and may issue tem-

porary

porary debentures or notes, or other form of security for the purpose of securing such loan and may by by-law provide for the renewal of any temporary debentures, notes or other securities issued by the said Board, and may provide that the temporary debentures, notes or other securities issued under the powers herein contained, shall be payable within such period not exceeding ten years, and shall bear such rate of interest as the said Board may determine.

- (5) The Treasurer of Ontario is authorized to guarantee payment of any temporary debentures, notes or other forms of security issued pursuant to the powers conferred in subsection 4 in respect of the debentures of the said Board, referred to in subsection 2. The form of such guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council.
- Treasurer
authorized
to guarantee
loans.

60. Section 11 of *The Bulk Sales Act, 1917*, is amended 7 Geo. V.
c. 33, s. 11,
amended. by striking out the word "October" in the second line thereof and substituting "June" therefor.

61. Section 13 of *An Act to Incorporate the Village of Erieau*, passed in the 7th year of His present Majesty's reign, chaptered 68, is amended by striking out the word "business" in the fifth line and substituting therefor the word "combined".

7 Geo. V.
c. 68, s. 13,
amended.

62. Until otherwise provided in the Estimates voted by the Assembly and the appropriation made by the Legislature there shall be payable as from the 1st day of November, 1917;

Provision
for payment
of salaries
to certain
officers.

- (a) To the Provincial Inspector of Health or to any legally qualified medical practitioner now occupying the office of Provincial Inspector of Health or Medical Inspector, an annual salary of \$3,100;
- (b) To the Director of Technical Education an annual salary of \$3,900; and
- (c) To the Chief Inspector of Public and Separate Schools an annual salary of \$3,400,

and the said salaries shall be payable out of the appropriations made for the respective departments and services in which the said officers are engaged as if the same had been

voted in the Estimates for the fiscal year ending on the 31st day of October, 1918, and the fiscal year ending on the 31st day of October, 1919, and the appropriations for the said departments and services shall be deemed to be amended accordingly and the amount required to increase the said appropriations for that purpose shall be payable out of the Consolidated Revenue Fund.

Special grants to clerk and sergeant-at-arms of assembly.

63. The Treasurer of Ontario is authorized to pay out of the Consolidated Revenue Fund to Arthur H. Sydere, Clerk of the Assembly, the sum of \$1,000 and to Frederick J. Glackmeyer, Sergeant-at-Arms to the Assembly the sum of \$1,000, the said sums being in acknowledgment of over fifty years faithful service by the said officers respectively.

Allowances voted to civil servants and others, when payable.

64.—(1) Where any sum of money is voted in the Estimates or Supplementary Estimates for any fiscal year as an allowance for services or expenses to any officer, clerk or servant in a department or elsewhere in the public service, or to any other person, such sum, unless it is otherwise expressly so stated in the Estimates, shall be payable forthwith after the enactment of the Statute making the appropriation for the fiscal year, or after the passing of an Order-in-Council under section 27 of *The Audit Act*, authorizing the payment of the item.

Application to estimates for current fiscal year.

(2) This section shall apply to the Estimates and Supplementary Estimates for the fiscal year ending the 31st day of October, 1918.

Grant to Conference for promoting uniformity of legislation in provinces.

65.—(1) The Lieutenant-Governor in Council may grant an amount not exceeding \$500 in any year towards the expenses of any conference or meeting of commissioners or representatives of the different provinces of the Dominion, held for the purpose of promoting uniformity of legislation in the provinces, and may appoint commissioners or representatives to attend any such conference or meeting and may direct the payment to them of such allowances for travelling and other expenses as may be deemed expedient.

Expenses of representatives.

(2) The payments provided for in subsection 1 shall be made out of such moneys as may be appropriated by the Legislature for that purpose.

Treasurer authorized to purchase certain debentures of Town of Matheson.

66.—(1) The Treasurer of Ontario is authorized to guarantee the payment of, or to purchase out of the Consolidated Revenue Fund, the debentures, to an amount not exceeding \$40,000, issued or to be issued by the Municipal Corporation of the Town of Matheson, for the purpose of constructing a system of waterworks and sewerage in the said Town of

Matheson

Matheson, and bearing interest at the rate of five per cent. per annum, repayable within thirty years from the date of the issue of such debentures.

(2) The form of guaranty and the manner of its execution shall be determined by the Lieutenant-Governor in Council. Form of guaranty.

67.—(1) The Treasurer of Ontario is authorized to purchase or to guarantee the payment of debentures (to an amount not exceeding \$10,000), issued by the Municipal Corporation of the Township of Tisdale for school purposes, dated the second day of July, A.D. 1917, and bearing interest at the rate of six per cent. per annum, repayable in fifteen equal annual instalments of principal and interest, issued under by-laws numbers 116 and 131 of the said corporation. Treasurer authorized to purchase certain school debentures of Township of Tisdale.

(2) The form of guaranty and the manner of its execution shall be determined by the Lieutenant-Governor in Council. Form of guaranty.

68.—(1) The Corporation of the County of Halton may, by by-law to be passed not later than the first day of July, 1918, for the purpose of raising by debentures sums necessary to meet expenditure on a highway or highways under *The Highway Improvement Act*, exempt from the annual rate imposed by any such by-law, any local municipality or local municipalities, within such county, provided that every by-law passed pursuant to this section shall, before taking effect, receive the approval of the Minister of Public Works and Highways. County of Halton Highway Scheme may provide for exemption of certain municipalities.

(2) Subsection 1 shall be deemed to have been in force since the first day of April, 1917. Commencement of section.

69. The plan or scheme of highway improvement adopted by the Corporation of the County of York under sections 21 and 22 of *The Statute Law Amendment Act, 1910*, with respect to the electoral districts of East and West York, shall apply and be deemed to have applied to the electoral district of North York since the first day of January, 1916, and the inclusion in the said plan or scheme of certain highways or parts of highways in the electoral district of North York shall be declared to be legal, valid and binding, and the several municipalities in that electoral district shall be liable for their proper share and proportion of all debts, costs and charges, and expenditures incurred, made or remaining due under the said plan or scheme since that date, and the council of the county may ascertain and determine the amount due in respect of such liability and may raise the same by a

special annual rate for a period of not more than three years on all the rateable property in such municipalities.

Taxation of mortgages by municipality having population of 200,000 or more.

70.—(1) The council of any municipality, having a population of 200,000 or more, may by by-law provide that a tax not exceeding one-tenth of one per centum upon the sum of money secured by each instrument by way of mortgage or charge, registered in a registry or land titles office upon lands within the municipality shall be paid by the party registering the same and any such by-law may be repealed, altered, or amended from time to time.

By-law to be deposited.

(2) Upon the passing of any by-law under subsection 1 by the council of a municipality, a copy thereof, certified by the clerk of the municipality under the seal of the corporation, shall be deposited with each registrar and master whose registry or land titles division covers land in such municipality, and from and after the deposit of the by-law as aforesaid, such tax as is provided shall be collected by the registrar or master as the case may be, before he registers the mortgage.

Tax collected by registrar.

Registrar entitled to percentage.

(3) Any registrar or master, not paid by salary, shall be entitled to retain to his own use $2\frac{1}{2}$ per cent. of the monies collected by him.

Amount collected to be paid to inspector.

(4) The registrar and master shall, within the first week of each month, furnish the Inspector of Registry Offices with a statement of the amount collected during the previous month in respect of said tax, and shall pay over the amount thereof, less the percentage provided for in subsection 3 to the said inspector, who shall deposit the same in a special account in some incorporated bank in which public money of the province is being deposited.

Application of money collected.

(5) The money so received by the said inspector shall be applied as follows and in the order given:

1. In payment of any of the expenses of the Land Titles Office, payable by the municipality, as provided by section 148 of *The Land Titles Act*.
2. The balance to be paid to the municipality for the purpose of defraying the expenses and charges in connection with the registry or land titles office buildings within such municipality.

Registrar may require affidavit as to amount of mortgage to be filed.

(6) Where the amount to be secured by any mortgage is not clearly stated therein, or where the registrar or master has any doubt as to the amount intended to be secured, he shall

shall require the full and true amount of the monies intended to be secured by such mortgage to be proved by affidavit to be filed with him.

71. The following lands and premises, namely:

All and singular those certain parcels or tracts of land and premises situate, lying and being:

Certain lands declared to be vested in His Majesty in the right of the Dominion of Canada.

Firstly, all and singular that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, being composed of a part of Block Two (2) according to a plan filed as Number 767 in the Registry Office for the said county, and now in the Registry Office for the Western Division of City of Toronto aforesaid, and which said parcel is more particularly described as follows: Commencing at a point in the westerly limit of Christie Street, distant six hundred feet (600 feet) more or less measured on a course south fourteen degrees and thirty-eight minutes east thereon from the southerly limit of Davenport Road as widened by by-law, the said point being distant also four hundred and twenty-six feet (426 feet), measured on a course north fourteen degrees and thirty-eight minutes west along the said limit of Christie Street from the northerly limit of the lands of the Toronto and Niagara Power Company; thence south seventy-five degrees and twenty-seven minutes west parallel to the said northerly limit of the lands of the Toronto and Niagara Power Company, seven hundred and twenty-seven feet and five inches (727 feet 5 inches) to the existing westerly boundary of said block two (2); thence south sixteen degrees and twenty-four minutes east along the last-mentioned boundary four hundred and twenty-six feet and two and a half inches (426 feet 2½ inches) to the said northerly limit of the lands of the Toronto and Niagara Power Company; thence north seventy-five degrees and twenty-seven minutes east along the said northerly limit four hundred and seventy-four feet and three inches (474 feet 3 inches) more or less to a point therein distant two hundred and forty feet (240 feet), measured on a course south seventy-five degrees and twenty-seven minutes west from the said limit of Christie Street; thence north fourteen degrees and thirty-eight minutes west parallel to the said limit of Christie Street one hundred and twenty feet (120 feet); thence north seventy-five degrees and twenty-seven minutes east parallel to the said limit of the lands of the Toronto and Niagara Power Company two hundred and forty feet (240 feet) to the westerly limit of Christie Street aforesaid; thence north fourteen degrees and thirty-eight minutes west along the last-mentioned limit three hundred and six feet (306 feet) more or less to the place of beginning;

Secondly,

Secondly, all and singular that certain parcel or tract of land and premises situate, lying and being in the City of Toronto (formerly in the Township of York) in the County of York and Province of Ontario, being composed of part of Block Number Two (2) on the west side of Christie Street, in the said City of Toronto, according to plan registered in the Registry Office for the City of Toronto as Number 767 and more particularly described as follows: Commencing on the west side of Christie Street at a point distant northerly one hundred and thirty-nine feet (139 feet) from the south-easterly angle of said block; thence northerly along the west side of Christie Street one hundred and twenty feet (120 feet); thence westerly parallel to southern boundary of the said block two (2) two hundred and forty feet (240 feet); thence southerly parallel to Christie Street one hundred and twenty feet (120 feet); thence easterly parallel to southerly boundary of said block two hundred and forty feet (240 feet) more or less to the place of beginning, comprising factory and premises connected therewith known as Number 346 Christie Street;

are hereby declared to be vested in His Majesty in the Right of the Dominion of Canada in fee simple, free from all building restrictions.

CHAPTER 21.

An Act to amend The County Courts Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause (h) of section 16 of *The County Courts Act* is repealed and the following substituted therefor: Rev. Stat. c. 59, s. 16, amended.

(h) Sault Ste. Marie, on the last Tuesday of May and the first Tuesday of November; and at

(2) Subsection 1 shall come into force on the 1st day of July, 1918.

2. *The County Courts Act* is amended by adding thereto the following section: Rev. Stat. c. 59.

44a. In case the judge before whom any action is tried either with or without the intervention of a jury, dies before giving judgment, or having reserved his judgment, after having heard the evidence does not deliver judgment within six months thereafter either party may thereupon set the said action down to be re-heard by such judge of the Supreme Court or of a county court as may be designated by a judge of the Supreme Court of Ontario sitting in weekly court. Rehearing where judge dies, or does not give judgment.

(1) No further evidence shall be received upon such re-hearing unless by leave of the court. Further evidence not to be received.

(2) Notice of the intended re-hearing shall be served on all parties to the action and a copy thereof with proof of service filed in the office of the county court clerk at least 14 days before the setting down of the action for re-hearing. Notice.

Time for
action
set down.

- (3) The action shall be so set down at least seven days before being re-heard.

Rehearing
at weekly
court.

- (4) The action shall be set down to be re-heard at the first sittings of weekly court at Osgoode Hall, Toronto, after the expiration of twenty-one days from service of notice of intention to re-hear.

Transfer of
papers.

- (5) The party giving notice of re-hearing shall at the time of filing notice of intended re-hearing *praecipe* to the proper officer at Osgoode Hall, Toronto, the record, exhibits and all other papers used at the trial together with a copy of the evidence taken at the trial and it shall be the duty of the clerk of the county court upon receiving the *praecipe* and being paid the proper charges for postage and stenographers' fees to forward the said evidence and papers duly certifying thereto within ten days thereafter.

Further
proceedings
not to be
taken with-
out leave.

- (6) No further proceedings in the action shall thereafter be taken in the county court without the order of a judge of the Supreme Court after notice.

Judgment
on re-
hearing.

- (7) Upon such re-hearing the evidence, exhibits and papers used at the trial shall be read and after argument by counsel the presiding judge shall deal with the action as on an original trial and shall direct that judgment shall be entered by the county court clerk in accordance with his findings.

Costs of re-
hearing.

- (8) The costs of such re-hearing shall be fixed by the judge presiding at such re-hearing, who shall also direct by whom they shall be paid.

Appeal.

- (9) An appeal shall lie from such judgment or finding in the same manner and on the same terms as if the said judgment had been pronounced at a trial in the county court.

CHAPTER 22.

An Act to amend The Surrogate Courts Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Surrogate Courts Act* is amended by adding the following subsection: Rev. Stat.,
c. 62, s. 2,
amended.

- (g) "Claim or demand" shall include not only claims or demands of creditors, but also claims or demands by or against other persons as to the ownership of personal property, not exceeding in value \$800. "Claim or demand,"
meaning of.

2. Section 23 of the said Act is amended by adding the following subsections: Rev. Stat.,
c. 62, s. 23,
amended.

- (2) When any person has executed his will, then being a member of the British or Canadian Expeditionary Forces in the present war, or has died while a member of such forces, and has not, by his will appointed an executor or has appointed an executor who has died or neglects or refuses to act as executor, the Surrogate Court may grant administration with the said will annexed to the sole beneficiary without security or to one of the principal beneficiaries under such will with one surety where the value of the estate does not exceed \$1,000, and where the estate exceeds that sum, with such sureties and in such amount as the Surrogate judge may deem sufficient. Grant of
administra-
tion to
sole bene-
ficiary.

- (3) Subsection 2 shall apply to any female making such a will, and being a nurse on active service out of Canada, with any of the forces of His Majesty or his Allies.

Rev. Stat.
c. 62, s. 76,
amended.

3. Section 76 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

Judges'
fees.

76.—(1) Subject to the provisions of subsection 2 of this section and to the provisions of sections 73, 74, 75, 77, 78 and 79, the Judge shall be entitled to take to his own use the fees mentioned in Schedule B, which shall be collected by the Registrar on or before each proceeding. Annual returns of such fees up to the 31st day of the preceding December shall be made to the Inspector of Legal Offices by the Registrar on or before the 15th day of January in each year;

How pay-
able to
Judge.

(2) The fees to which the Judge is entitled under subsection 1 hereof, shall be payable by the Registrar to the Judge in monthly installments not exceeding one-twelfth part of the yearly sum to which he is entitled, and where an Order-in-Council has been made under subsection 3 of section 78 for payment of fees to a Judge other than a Surrogate Judge, the same shall be paid in like manner, but no amount shall in the latter case be paid by the Registrar until he has on hand a sufficient sum to pay the yearly allowance to the Surrogate Judge;

Apportion-
ment.

(3) Where a Judge to whom fees are payable holds office for only part of a year, he or his personal representative shall only be entitled to a proportionate part of the yearly allowance based on the length of time he has held office.

CHAPTER 23.

An Act to amend The Jurors' Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 32 of *The Jurors' Act* is repealed and the following substituted therefor: Rev. Stat.
c. 64, s. 32,
repealed.

32.—(1) As soon as he has completed the jurors' book but not later than the 12th day of November in each year, unless the Judge of the County Court, for such reasons as he deems sufficient, shall extend the time for preparing the jurors' book, the clerk of the peace shall appear before the said Judge in his chambers and deliver to the Judge the jurors' book so prepared by him together with the jurors' books for so many of the preceding years as may be required for proceeding with the preparation of the jurors' lists as hereinafter directed, and shall thereupon make oath before the Judge,—

Presenting
and certify-
ing jurors'
rolls.

- (a) That he has carefully compared the jurors' rolls in the first mentioned jurors' book with the reports made by the local selectors, as the same were on file in his office on the 25th day of October next preceding, and that to the best of his knowledge and belief such jurors' rolls contain a true and correct transcript of the names and additions of all persons reported by the local selectors;
- (b) That the jurors' books secondly above mentioned are those on file in his office for the years to which they purport respectively to relate, and that all entries therein were truly and faithfully made, without fraud or collusion of any kind, and according to the very truth.

Where clerk of peace has not been in office during preceding years.

- (2) If the clerk of the peace has not been in office during all the time that the jurors' books have been on file he shall make oath that all entries made during the time that he has been in office have been truly and faithfully made without fraud or collusion of any kind, and according to the very truth, and that he verily believes that all other entries prior to his appointment were truly and faithfully made.

Rev. Stat., c. 64, s. 33, repealed.

2. Section 33 of *The Jurors' Act* is repealed and the following substituted therefor:

Modification of oath.

33. On the first occasion of bringing the jurors' book before the Judge, there being no jurors' book for any preceding year, the oath to be made by the clerk of the peace shall be modified accordingly.

Rev. Stat., c. 64, s. 35, repealed.

3. Section 35 of *The Jurors' Act* is repealed and the following substituted therefor:

Inquiry as to error or fraud.

- 35.—(1) Where the clerk of the peace has made an affidavit in the terms of the last preceding section the Judge shall examine and inquire by the oath of such persons as may be informed thereof, into the supposed incorrect entries, erasures, mutilations or alterations, their nature and extent, and by whom, when and for what purpose they were made and shall report the same to the Attorney-General, and shall cause the incorrect entries, erasures, mutilations or alterations to be rectified, and the books restored to their original state as nearly as may be, according to the best information he has been able to obtain of or concerning the same.

Powers of judge.

- (2) For the purposes of subsection 1, the Judge shall possess all the powers which may be granted to a commissioner appointed under *The Public Enquiries Act*.

Rev. Stat., c. 18.

4. Section 36 of *The Jurors' Act* is repealed and the following substituted therefor:

Certifying jurors' books.

36. The Judge shall thereupon certify under his hand and seal in each of such books, the receipt thereof and the oath upon which the same has been received, and such books shall be deposited with the clerk of the peace and shall be the jurors' rolls from which the selection of jurors shall be made as hereinafter provided.

5. Subsection 1 of section 37 of *The Jurors' Act* as amended by section 18 of *The Statute Law Amendment Act, 1914*, and by section 8 of *The Statute Law Amendment Act, 1916*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 64, s. 37,
sub. 1,
repealed.

37.—(1) The county selectors shall meet at the court house or in the Judge's chambers on a day to be fixed by the chairman, not earlier than the 12th day of November and not later than the 15th day of December in each year, at 10 o'clock in the forenoon, to proceed with the selection of jurors from the jurors' rolls prepared under section 27, and shall proceed as far as practicable *de die in diem* until the selection is completed.

Meeting of
county
selectors
and selec-
tion of lists.

(1a) The county selectors shall so arrange and proceed that the selection of jurors by them and the preparation of the jury lists shall be completed, and the lists duly certified and filed in the office of the clerk of the peace before the 31st day of December in the same year.

Selection to
be com-
pleted before
end of year.

6. Subsection 9 of section 44 of *The Jurors' Act* is repealed.

Rev. Stat.,
c. 64, s. 44,
sub. 9,
repealed.

7. Section 102 of *The Jurors' Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 64, s. 102,
repealed.
Sheriff's
fees.

102. The sheriff, in addition to such fees as he may be entitled to from the parties to an action, shall be entitled to the following fees:

1. For each panel of jurors, grand or petit, returned and summoned by him in obedience to any general precept..... \$5
2. For copies of such panel to be transmitted to the proper officers, each..... \$2
3. For every summons served upon the jurors on any panel 50c.
4. For every mile which the sheriff or his deputy or bailiffs necessarily and actually travelled from the county town for the purpose of serving such summonses (such mileage to be allowed for going only, and not for returning) 15c.

5. Advertising the drafting of jury panels (required by section 88)..... \$2
6. Notices to clerk of the peace and justices, (required by section 88), each..... 50c.
7. Attending to draft jury panels..... \$5
8. Writing names of jurors on cards..... \$4

CHAPTER 24.

An Act to amend The Coroners' Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Coroners' Act* is amended by striking out the words "This section" at the commencement thereof and substituting therefor the words "Subsection 1." Rev. Stat., c. 92, s. 3, ss. 2, amended.

2. Section 3 of *The Coroners' Act* is amended by adding thereto the following subsection: Rev. Stat., c. 92, s. 3, amended.

(3) Notwithstanding anything contained in the commission of a coroner, the Attorney General may in writing, signed by him, direct a coroner appointed for any part of Ontario (including a chief coroner or coroner for the City of Toronto or the City of Hamilton), to act in any other part of Ontario, and any coroner to whom such direction is given shall have the same jurisdiction and powers within the territory in which he is so directed to act as a coroner appointed under subsection 1 for the same territory. Conferring extra jurisdiction on coroners.

3. *The Coroners' Act* is amended by adding thereto the following section: Rev. Stat., c. 92, amended.

38a.—(1) Where a coroner conducts an inquest in violation of the provisions of section 6 he shall incur a penalty of not less than \$100 nor more than \$500, to be sued for and recovered by anyone in any court of competent jurisdiction. Coroner holding inquest when disqualified by interest. Penalty.

Form of
claim for
penalty.

- (2) It shall be sufficient for the plaintiff in any such action to allege that the defendant is indebted to him in the sum claimed and the particular inquest for which the action is brought and that the defendant has acted in violation of this Act.

Limitation.

- (3) The action shall be commenced within one year next after the inquest was held and not afterwards and shall be tried by a judge without a jury.

CHAPTER 25.

An Act to amend The Administration of Justice Expenses Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Administration of Justice Expenses Act* is repealed. Rev. Stat.
c. 96, s. 5.
repealed.

2. Section 10 of *The Administration of Justice Expenses Act* is repealed, and the following substituted therefor: Rev. Stat.
c. 96, s. 10,
repealed.

10. Items numbered 12, 14, 35, 36 and 40 as to sheriffs' fees in Schedule A shall not apply in any year to a sheriff whose net income for the next preceding year exceeded \$2,500, and items numbered 29, 30, 37 and 38 shall not apply to the sheriffs of the county of York and city of Toronto.

3. Subsection 1 of section 21 of *The Administration of Justice Expenses Act* is amended by inserting at the beginning thereof the following words: "Subject to the provisions of subsection 2." Rev. Stat.
c. 96, s.
21 (1),
amended.
Board of
Audit.

4. Subsection 2 of section 21 of *The Administration of Justice Expenses Act* is repealed and the following substituted therefor: Rev. Stat.
c. 96, s.
21 (2),
repealed.

(2) The council of every city which forms part of a ^{Where city concerned.} county for judicial purposes and pays a part of the expenses of the administration of justice shall appoint one member of the Board of Audit and in that case the county council shall appoint a member of the Board of Audit for every member appointed by the council of a city.

Rev. Stat.
c. 96, s.
21 (3),
repealed.

5. Subsection 3 of section 21 of *The Administration of Justice Expenses Act* is repealed and the following substituted therefor:

Payment
of Board
of Audit.

(3) The county and city councils may pay each member of the Board such sum as they may respectively by by-law determine for his attendance at the audit and five cents for each mile necessarily travelled in going to and returning therefrom.

Rev. Stat.
c. 96, s. 21,
ss. 4,
amended.

6. Subsection 4 of section 21 of *The Administration of Justice Expenses Act* is amended by inserting after the word "Judge" in the first line thereof, the following words: "or a Deputy Judge if any."

Rev. Stat.,
c. 96, s. 24,
amended.

Constables'
accounts.

7. Section 24 of *The Administration of Justice Expenses Act* is hereby amended by the striking out of the word "certify" in the fifth and sixth lines thereof, and substituting the words "approve" and "report" respectively in lieu thereof.

Rev. Stat.,
c. 96, s. 25,
repealed.

8. Section 25 of the said Act is hereby repealed and the following substituted therefor:

Certificate
of clerk of
the peace as
to audit of
Board.

25.—(1) When the accounts have been audited and approved by the Board they shall be certified by the clerk of the peace and his certificate shall be sufficient evidence of such audit and approval.

Specifying
authority
for payment.

(2) In certifying accounts, except for the payment of constables, the certificate shall state the statute, if any, under which the expenditure is authorized.

Rev. Stat.,
c. 96, s. 30,
amended.
Payment of
accounts on
certificates.

9. Section 30 of the said Act is amended by striking out the words "by the Board" wherever the same occur and substituting therefor the words "as aforesaid."

Rev. Stat.
c. 96,
sched. A,
repealed as
to sheriffs.

10. The tariff of fees provided for sheriffs in Schedule "A" to *The Administration of Justice Expenses Act* is repealed and Schedule "A" to this Act substituted therefor.

Rev. Stat.
c. 96,
sched. C,
repealed as
to sheriffs.

11. The tariff of sheriff's fees in Schedule "C" to *The Administration of Justice Expenses Act* is repealed, and Schedule "B" to this Act substituted therefor.

Rev. Stat.
c. 96,
sched. A,
repealed as
to constables.

12. The tariff of fees provided for constables in Schedule "A" to *The Administration of Justice Expenses Act* is repealed and Schedule "C" to this Act substituted therefor.

Rev. Stat.
c. 96,
sched. C,
repealed as
to constables.

13. The tariff of constables' fees in Schedule "C" to *The Administration of Justice Expenses Act* is repealed and Schedule "D" to this Act substituted therefor.

SCHEDULE

SCHEDULE A.

SHERIFFS.

1. Attending sittings of the High Court Division, per diem	\$5 00
2. Attending the General Sessions, Jury Sittings of the County Court and County or District Court Judges Criminal Court, per diem.....	5 00
3. Summoning each Grand Jury for the High Court Division or General Sessions	12 00
4. Summoning each Petit Jury for the High Court Division or General Sessions	24 00
5. For every prisoner discharged from gaol, having been committed by warrant for trial at the High Court Division or General Sessions.....	1 00
6. For the discharge from gaol of every prisoner convicted by Police Magistrate under Part XV. of the Criminal Code	1 00
7. Bringing up each prisoner for arraignment, trial and sentence, whether convicted or acquitted, including prisoners who have been out on bail, for each day necessarily brought up.....	2 00
8. Drawing calendar of prisoners for trial at the High Court Division or General Sessions including copies	5 00
9. Advertising the holding of the sittings of the High Court Division or General Sessions.....	4 00
10. Every annual or general return, required by law or by the Government, respecting the gaol or the prisoners therein.....	5 00
11. Every other return made to the Government.....	4 00
12. Every return made to the Assembly.....	4 00
13. Every return to the Court of General Sessions of the Peace, required by Statute or by order of the Court	2 00
14. Every return required by the County Council.....	1 00
15. Every return to the Inspector of Legal Offices.....	4 00
16. Returning precepts to the High Court Division or General Sessions.....	4 00
17. Conveying prisoners to the penitentiary or reformatory or to another County (exclusive of disbursements), for each day necessarily employed.....	6 00
18. Arrest of each person upon a warrant (to be paid out of the County funds, or by the party, as the case may be)	3 00
19. Serving subpoena upon each person (to be paid out of the County funds, or by the party, as the case may be)	1 50

20. Travelling in going to execute warrant or serve subpoena, or in returning with a prisoner, per mile actually travelled.....	15
(To be paid out of the County funds, or by the party as the case may be; where the service has not been effected, the board of audit is to be satisfied that due diligence has been used.)	
21. Conveying prisoners on attachment, Judge's Order or Habeas Corpus to another county or district, exclusive of disbursements, for each day necessarily employed (to be paid out of the County funds, or by the party, as the case may be)	6 00
22. Making return upon attachment or writ of Habeas Corpus (to be paid out of the County funds, or by the party, as the case may be).....	2 00
23. Levying fines or issues on recognizances estreated, or other process (to be levied under section 6 of Part 1)	\$5 per \$100 on the first \$400 of the sum levied, exclusive of mileage, at 10 cents per mile, and on all sums above \$400 the same allowance as on executions in civil proceedings. Where a levy has not been made, \$2 for every \$100 of the amount received in lieu of the above amount.
24. Carrying into execution the sentence of the Court in capital cases.....All such sums as are unavoidably disbursed.	
25. Attending and superintending the executions in such cases	20 00
26. Summoning each constable to attend the High Court Division or General Sessions, exclusive of mileage at 15 cents a mile.....	50
27. Keeping a record of jurors who have served each court	4 00
28. Disbursements actually and necessarily made in guarding prisoners, or in their conveyance to the penitentiary or reformatory, to any other county or elsewhere or for other purposes in the discharge of the duties of his office (where not provided by law, or hereinbefore specifically provided for) to be rendered in account in detail with the proper vouchers, to the satisfaction of the board of audit, and to be by the board allowed	
29. Disbursements actually and necessarily incurred while in attendance upon a Judge of the High Court Division when holding a sittings of the High Court Division or incurred in obedience to his order, to be paid by the Treasurer of the County upon the order of the sheriff	
30. Keeping a record of constables at the High Court Division or General Sessions, each	2 00
31. Notification to Judge, under Section 826, Criminal Code, for each prisoner.....	1 00
32. Making special return of prisoners sentenced to Ontario Reformatory or Mercer Reformatory and of prisoners eligible for removal to the Ontario Reformatory or Mercer Reformatory, as the Inspector may direct (each prisoner)	1 00
(Not more than \$5 to be allowed for any one return, and each return must cover all prisoners in gaol when the same is made.)	

33. Certified copy of sentence.....	50
34. Taking prisoner to railway station to be delivered to bailiff for reformatory, in addition to other expenses incurred in such duty.....	1 00
35. Return and services in respect of inquisition on body of a prisoner dying in the gaol.....	4 00
36. General supervision over the gaol and prisoners therein, and the books kept in connection with the gaol, in addition to any other allowance, and for stationery and postage, per quarter	25 00
37. Every prisoner discharged from gaol other than prison- ers committed by warrant for trial at the sittings of the High Court Division or General Sessions.....	1 00
38. Services performed under section 1059 of the Criminal Code, in each case disposed of under that section....	2 00
39. For attending and carrying out a sentence in cases of flogging, and reasonable disbursements in preparing a triangle, cat, and straps, and a man to execute sen- tence	6 00
40. General fee, as an allowance to cover services under any Statute, Order-in-Council or otherwise, for which no fee is provided, per quarter.....	50 00

SCHEDULE B.

SHERIFFS.

1. Attending the High Court Division. (Sheriff's tariff, Schedule A, item 1.)
2. Attending the General Sessions, Jury Sittings or the County Court and County or District Court Judges' Criminal Court. (Tariff item 2.)
3. Summoning each Grand Jury for the High Court Division or General Sessions. (Tariff, item 3.)
4. Summoning each petit jury for the High Court Division or General Sessions. (Tariff, item 4.)
5. For every prisoner discharged from gaol, having been committed by warrant for trial at the High Court Division or General Sessions. (Tariff, item 5.)
6. For the discharge from gaol of every prisoner convicted by a police magistrate under Part XV. of the Criminal Code. (Tariff, item 6.)
7. Bringing up each prisoner for arraignment, trial and sentence whether convicted or acquitted, including prisoners who have been out on bail, for each day necessarily brought up. (Tariff, item 7.)
8. Drawing calendar of prisoners for trial at the High Court Division, including copies. (Tariff, item 8.)
9. Advertising the holding of the High Court Division or General Sessions. (Tariff, item 9.)

10. Every annual or general return, required by law, or by the Government, respecting the gaol or the prisoners therein. (Tariff, item 10.)

11. Every other return made to the Government or the Legislature or to the Sessions, required by Statute or by order of the court. (Tariff, items 11, 12 and 13)

12. Every return to the Inspector of legal offices. (Tariff, item 15.)

13. Returning precepts to the High Court Division or General Sessions. (Tariff, item 16.)

14. Conveying prisoners to the penitentiary or reformatory, or to another county or district and disbursements. (Tariff, item 17.)

15. Arrest of each individual upon a warrant (if payable by the Crown.) (Tariff, item 18.)

16. Serving subpoena upon each person (if payable by the Crown.) (Tariff, item 19.)

17. Travelling in going to execute warrant or serve subpoena, and in returning with prisoner (if payable by the Crown.) (Tariff, item 20.)

18. Conveying prisoner on attachment, judge's order or Habeas Corpus to another county, exclusive of disbursements (if payable by the Crown.) (Tariff, item 21.)

19. Making return upon attachment or writ of Habeas Corpus (if payable by the Crown.) (Tariff, item 22.)

20. Levying fines or issues on recognizances estreated, and mileage. (Tariff, item 23.)

21. Disbursements in carrying into execution the sentence of the court in capital cases. (Tariff, item 24.)

22. Attending and superintending the execution in such cases. (Tariff, item 25.)

23. Summoning each constable to attend the High Court Division or General Sessions. (Tariff, item 26.)

24. All disbursements actually and necessarily made in guarding prisoners, or in their conveyance to the penitentiary or reformatory, or to any other county or district or otherwise, or for other purposes in the discharge of the duties of his office (when not otherwise provided for.) (Tariff, item 28.)

25. Notification to judge, under section 826 Criminal Code. (Tariff, item 31)

26. Making special return of prisoners sentenced to Ontario Reformatory or Mercer Reformatory and of such persons eligible for removal to Ontario Reformatory or Mercer Reformatory as the Inspector may direct. (Tariff, item 32.)

27. Certified copy of sentence. (Tariff, item 33.)

28. Taking prisoner to railway station to be delivered to bailiff for Ontario Reformatory or Mercer Reformatory, in addition to other necessary expenses incurred in such duty. (Tariff, item 34.)

29. For general supervision over the gaol and the prisoners therein, and the books kept in connection with the gaol, in addition to any other allowance, and for stationery and postage, per quarter. (Tariff, item 36)

30. For every prisoner discharged from gaol other than prisoners committed by warrant, for trial at the Assizes or General Sessions. (Tariff, item 37.)

31. For services performed under section 1059 of The Criminal Code. (Tariff, item 38.)

32. Attending and carrying out sentences in cases of flogging and disbursements connected therewith. (Tariff, item 39.)

33. One half of general fee, as an allowance to cover services under any Statute, Order-in-Council or otherwise, for which no fee is provided. (Tariff, item 40.)

SCHEDULE C.

CONSTABLES.

1. Arrest of each individual upon a warrant, or arresting without warrant an individual who is subsequently convicted or committed for trial.....	\$1.50
2. Serving summons or subpoena.....	50
3. Mileage to serve summons or subpoena or to make an arrest, one way, per mile..... (If no public conveyance is available reasonable livery charges to be allowed.)	13
4. Mileage when service cannot be effected, upon proof of due diligence, one way.....	13
5. Returning with prisoner after arrest to bring same before Magistrate or Justice for preliminary hearing or trial where the Magistrate or Justice is not at place where warrant was handed constable and where the journey is of necessity over a different route than that travelled to make the arrest, per mile, one way.....	13
6. Taking prisoner to gaol on remand or committal, one way, per mile..... (Not payable if this is return journey from taking prisoner before the Justice, double mileage not being chargeable.)	13
7. Where a conveyance is necessary, proper disbursements for livery or railway fare to convey prisoner before Magistrate or Justice for preliminary hearing, trial or remand after arrest or on committal to gaol, shall be allowed.	
8. Attending Magistrate or Justice on summary trials or on examination or prisoners charged with crime, for each day necessarily employed, only one day's fee on any number of cases	2.00
9. Court constables attending sittings of High Court Division, General Sessions, County Court, and County or District Court, Judges' Criminal Court and sittings of Surrogate Court for the hearing of contentious cases each day	2.50

10. Mileage, travelling to attend courts mentioned in Item No. 9	13
(When public conveyance can be taken, only reasonable disbursements to be allowed).	
11. Constables attending as witnesses in indictable cases at Assizes, Sessions, County or District Court, Judges' Criminal Court or before police magistrates in cases tried under Part 16 of The Criminal Code, each day...	2.00
12. Summoning jury for coroner's inquest, including attending at inquest and all services in respect thereof, if held on the same day as jury summoned.....	3.00
13. Attending each adjournment thereof	2.00
14. Serving summons or subpoena to attend before coroner or provincial coroner	50
(Subject to No. 12).	
15. Mileage, serving same	13
16. Exhuming body under coroner's warrant.....	4.00
17. Re-burying same	2.00
18. Serving distress warrant and returning same.....	1.50
19. Advertising under the distress warrant.....	1.50
20. Travelling to make distress or to search for goods to make distress, where no goods are found, one way per mile	13
21. Appraisements, whether by one appraiser or more, 2c. in the dollar on the value of the goods.	
22. Catalogue, sale and commission and delivery of goods, 5c. in the dollar on the net proceeds of the goods.	
23. Executing search warrant	2.00
24. Mileage to execute search warrant	13

SCHEDULE D.

CONSTABLES

1. Arrest of each individual upon a warrant, or arresting without a warrant an individual who is subsequently convicted or committed for trial. (Constables' tariff, Schedule C, item 1.)
2. Serving summons or subpoena. (Tariff, item 2.)
3. Mileage to serve summons or subpoena or to make an arrest (If no public conveyance is available reasonable livery charges to be allowed.) (Tariff, item 3.)
4. Mileage when service cannot be effected, upon proof of due diligence. (Tariff, item 4.)
5. Returning with prisoner after arrest to bring same before Magistrate or Justice for preliminary hearing or trial where the Magistrate or Justice is not at place where warrant was handed constable and where the journey is of necessity over a different route than that travelled to make the arrest. (Tariff, item 5.)
6. Taking prisoner to gaol on remand or committal. (Tariff, item 6.)

7. Where a conveyance is necessary, proper disbursements for livery or railway fare to convey prisoner before Magistrate or Justice for preliminary hearing, trial or remand after arrest or on committal to gaol, shall be allowed. (Tariff, item 7.)

8. Attending Magistrate or Justices on summary trials or on examination of prisoners charged with crime, for each day necessarily employed, only one day's fee on any number of cases. (Tariff, item 8.)

9. Three-fifths of the fee payable to Court Constables attending High Court Division, General Sessions, County Court and County or District Court Judges' Criminal Court and sittings of Surrogate Court for the hearing of contentious cases. (Tariff, item 9.)

10. Mileage, travelling to attend courts, mentioned in item No. 9. (When public conveyance can be taken, only reasonable disbursements to be allowed.) (Tariff, item 10.)

11. One-third of fee payable to constables attending as witnesses in indictable cases of Assizes, Sessions, County or District Court Judges' Criminal Court, or before Police Magistrates in cases tried under Part 16 of the Criminal Code. (Tariff, item 11.)

NOTE.

Items numbered 1, 2, 3, 4, 5, 6, 7, 8, 10 and 11 in this tariff are only to be allowed in cases of indictable offences.

12. Summoning jury for coroner's inquest, including attending at inquest and all services in respect thereof if held on the same day as jury summoned. (Tariff, item 12.)

13. Attending each adjournment thereof. (Tariff, item 13.)

14. Serving summons or subpœna to attend before coroner. (Tariff, item 14.)

15. Mileage serving same. (Tariff, item 15.)

CHAPTER 26.

An Act to amend 'The Mortgagors' and Purchasers' Relief Act, 1915.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

5 Geo. V.
c. 22, s. 3.

1. Section 3 of *The Mortgagors' and Purchasers' Relief Act, 1915*, is amended by adding the following subsection:—

Postpone-
ment of
mortgage
payments
not to
affect agree-
ment for
partial
discharges.

- (2) Subject to the provisions hereinafter contained no principal money secured or payable by any mortgage of or contract for purchase or sale of land, made or entered into prior to the 4th day of August, A.D. 1914 (or any extension or renewal thereof made or entered into after the 4th day of August, 1914) shall be deemed to be due or in default so as to affect or make inoperative any provisions therein for discharging, releasing or conveying any portion or portions of the land thereunder in accordance with the terms or provisions therefor in such mortgage or contract contained, the operation of such provisions being hereby extended so long as the payment of such principal is not enforceable under the provisions of this Act; provided, however, that should the vendor or mortgagee claim a readjustment of the amount to be paid for a discharge, release or conveyance of one or more portions in order to ensure sufficient security for the amount of principal remaining unpaid, upon failure to agree thereon such claim shall be settled by the Judge.

5 Geo. V. c. 22
s. 4 (3).
amended.

2. Subsection 3 of section 4 of *The Mortgagors' and Purchasers' Relief Act, 1915*, is amended by adding thereto the following words:

“except

“except that in the case of the money being paid into court the plaintiff shall, if he so elects, have the right to take the money out of court and tax the costs of the proceedings as provided by the Consolidated Rules of Practice in an ordinary action; and in the case of the money being tendered the mortgagee or vendor or his assignee or personal representative shall be entitled to be paid costs of the proceedings already taken, the amount of such costs if not agreed upon to be taxed by the Taxing Officer of the Supreme Court in the county where the person taking the proceedings resides.”

Payment
into court
or tender:
rights of
plaintiff.

3. Notwithstanding anything contained in section 14 of *The Mortgagees' and Purchasers' Relief Act, 1915*, or in section 3 of the Act passed in the 6th year of His Majesty's reign, chapter 27, or in section 59 of the Act passed in the 7th year of His Majesty's reign, chapter 27, all the other provisions of the said Act shall continue in force and have effect until the expiration of 30 days from the close of the next session of the Legislature to be held hereafter.

Extension
of 5 Geo. V.
c. 22.

CHAPTER 27.

An Act to amend The Registry Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Registry Amendment Act, 1918.*

Rev. Stat. c. 124, clause b of s. 26 (1) amended. Rev. Stat. c. 125. **2.** Clause (b) of subsection 1 of section 26 of *The Registry Act* is amended by adding to the end thereof the following words: "including deposits filed in pursuance of *The Custody of Documents Act.*"

Rev. Stat. c. 124, s. 26, subs. 1, cl. c. amended. Rev. Stat. c. 125. **3.** Clause (c) of subsection 1 of section 26 of *The Registry Act* is amended by inserting after the word "instruments" in the third line thereof, the following words: "including deposits filed in pursuance of *The Custody of Documents Act.*"

Rev. Stat. c. 124, s. 26, subs. 1 amended. **4.** Subsection 1 of section 26 of *The Registry Act* is amended by adding thereto the following clause:

Transfer or change in registry division. (h) Copies of all plans which, though not affecting exclusively such territory, include within their boundaries any portion of it.

Rev. Stat. c. 124, s. 48, subs. 3 amended. Fee on registering mortgage in brief. **5.** Subsection (3) of section 18 of *The Registry Act* is hereby amended by substituting "\$1.50" for "\$1.00" in the third line thereof.

Rev. Stat. c. 124, s. 56, subs. 1, cl. b amended. Registration of wills. **6.** Clause (b) of subsection 1 of section 56 of *The Registry Act* is amended by the addition of the following: "or by depositing the said Probate, Letters of Administration, exemplification or certified copy."

Rev. Stat. c. 124, s. 56 amended. **7.** Section 56 of *The Registry Act* is amended by the addition of the following subsection:

- (5) All wills shall be recorded in the General Register and properly indexed, and where a will contains a devise of or charges, or otherwise affects land described therein by a description sufficient to readily identify same, it shall also be entered in the Abstract Index against the lands so described.

Recording
wills.

8. Section 62 of *The Registry Act* is amended by inserting after the word "assigns" in the third line thereof, the following words: "or by such other person as may be entitled by law to receive the money and to discharge the mortgage."

Rev. Stat.
c. 124, s. 62
amended.

Execution
of discharge
of mortgage.

9. Section 68 of *The Registry Act* is amended by addition of the following subsection:

Rev. Stat.
c. 124, s. 68
amended.

- (7) Where a mortgage has been seized by a sheriff or bailiff of the Division Court or other officer in the manner provided by law, and such seizure has been withdrawn, vacated or for any other reason set aside, the sheriff, bailiff or such other officer under whose hand notice of seizure has issued, may give a certificate directed to the Registrar in whose office the notice of seizure is registered, to the effect that such seizure has been withdrawn, vacated or set aside as the case may be, and such certificate shall be registered in the Registry Office in the same manner and for the same fee as a discharge of mortgage.

Notice of
seizure of
mortgage.

10. Clause (1) of section 70 of *The Registry Act* is amended by inserting after the word "council" in the second line thereof, the following words: "under the authority of which any street, road or highway is closed or".

Rev. Stat.
c. 124,
s. 70, cl. 1
amended.

11. Subsection (7) of section 81 of *The Registry Act* is amended by inserting after the word "plan" in the first line thereof, the following words: "shall be drawn upon linen and."

Rev. Stat.
c. 124, s. 81,
subs. 7,
amended.

12. Subsection 11 of section 81 of *The Registry Act* is amended by striking out all of the words after the figures "85" in the fourth line thereof.

Rev. Stat.
c. 124, s. 81,
subs. 11,
amended.

13. Clause (b) of section 92 of *The Registry Act* is amended by substituting "\$1.60" for "\$1" at the end of the first line thereof, and by substituting "\$2" for "\$1.40" where the same occurs in the sixteenth and eighteenth lines thereof.

Rev. Stat.
c. 124, s. 92,
cl. b,
amended.
Fees on re-
gistration.

14. Clause (g) of section 92 of *The Registry Act* is amended by substituting the figures "50" for "25" where the same appear in the second line thereof.

Ib. cl. g
amended.
Fee on
certificates.

Ib. cl. h.
Fee on
plans.

15. Clause (*h*) of section 92 of *The Registry Act* is amended by substituting “\$5” for “\$1” where the same appears in the third line thereof.

Ib. cl. p.
Discharge of
mortgage.

16. Clause (*p*) of section 92 of *The Registry Act* is hereby amended by substituting “\$1” for “50 cents” where the same occurs in the fifth line thereof.

Ib. cl. s.
Letters of
adminis-
tration.

17. Clause (*s*) of section 92 of *The Registry Act* is amended by substituting “\$1.50” for “\$1” where the same appears therein.

Rev. Stat.
c. 124, ss.
101-103
repealed.

18. Sections 101, 102 and 103 of *The Registry Act* are repealed, and the following sections substituted therefor:

Registrar's
emoluments.

101.—(1) Every Registrar shall be entitled to retain to his own use in each year his net income up to \$1,500;

Percentage
payable on
net income.

(2) Subject to the provisions of section 104 of this Act and of section 148 of *The Land Titles Act*, every Registrar shall, of the net income of each year, over \$1,500, pay to the treasurer of the county or city for which, or for part of which, he is Registrar, the following percentages:

(a) On the excess over \$1,500 up to \$2,000, ten per cent;

(b) On the excess over \$2,000 up to \$2,500, twenty per cent;

(c) On the excess over \$2,500 up to \$3,000, thirty per cent;

(d) On the excess over \$3,000 up to \$6,000, fifty per cent;

(e) On the excess over \$6,000, ninety per cent.

“Net in-
come,”
meaning of.

102. For the purposes of this Act “net income” shall mean the excess of all fees and emoluments earned during the calendar year after deducting the disbursements incident to the business of the office.

Deduction
for expenses
not to be
increased
without
consent of
Inspector.

103. The deduction from the gross income for the expenses connected with the work of or in conducting the business of the offices of the Registrars shall not be increased beyond the amount paid therefor in the year 1917, without the consent in writing of the Inspector.

19. Section 106 of *The Registry Act* is repealed, and the following substituted therefor:

Rev. Stat.
c. 124, s. 106,
repealed.

106.—(1) In the case of the death, resignation or removal from office of a Registrar, a like return as that mentioned in section 99 shall be made by such Registrar or his legal representative, for the portion of the year during which he held office, and in all cases where, during the year the office has been in charge of more than one person, a like return shall be made by each such person for the portion of the year he had charge of the office.

Return
as to fees
where
registrar
dies or
vacates
office.

(2) The allowances and percentages in section 101 are upon a yearly basis and shall be made and computed upon the net income of the office for the whole of the calendar year, and this whether or not the office was held by one person or more than one person, during the said year.

Allowances
and percent-
ages, how
computed.

(3) Where more than one person has held the office in any calendar year, each of such persons shall pay an aliquot part of the percentage payable for the year, based upon the portion of the year during which he was in office, and the amount of fees earned during such period.

When office
held by
more than
one person
during
year.

(4) Subsection 2 of section 104 shall apply to the proportion of fees in this section mentioned.

Application
of s. 104,
subs. 2.

20. Section 109 of *The Registry Act* is repealed and the following substituted therefor:

Rev. Stat.
c. 124,
s. 109,
repealed.

109.—(1) Section 101 of this Act shall apply to the registrars in the Provisional Judicial districts, but the percentages therein provided for shall, in their case, be payable to the Treasurer of Ontario, and when such registrar is also local master of titles, the income upon which the percentages are to be computed shall be that received from the combined offices;

Percent-
ages in
districts
to be
payable to
province.

(2) Subsection 1 of this section shall not apply to any registrar who is paid by salary.

Not to
apply to
salaried
registrars.

21. Part 1 of Schedule "A" to *The Registry Act* is amended by adding the following thereto:

Rev. Stat.
c. 124,
sched. A,
amended.

47 (a) Temiskaming.

Registry
division of
Temiskam-
ing.

Rev. Stat.
c. 124,
sched. A,
amended.

Registry
division of
Fort Wil-
liam.

Amendment
to be retro-
active.

Ib. sched. A,
amended.

Ib. sched. A,
amended.

22.—(1) The heading to Part 2 of Schedule "A" to *The Registry Act* is repealed and the following substituted therefor: "The undermentioned electoral districts, other than Fort William, as set forth in chapter 6 of *The Revised Statutes of Ontario, 1897*, and the electoral district of Fort William as set forth in chapter 5 of *The Revised Statutes of Ontario, 1914* (except as otherwise mentioned), constitute separate registry divisions.

(2) This section shall have and shall be deemed to have had the same force and effect as if the same had been passed on the 1st of March, 1914.

23. The description of Registry Division No. 50, as set out in part 2 of Schedule "A" to *The Registry Act*, is amended by striking the words "and town of Carleton Place" therefrom.

24. The description of Registry Division No. 54, as set out in part 2 of Schedule "A" to *The Registry Act* is amended by striking the words "and the township of West Monahan" therefrom.

CHAPTER 28.

An Act to amend The Land Titles Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as "*The Land Titles Amendment Act, 1918.*" Short title.

2. Section 58 of *The Land Titles Act* is repealed and the following substituted therefor: Rev. Stat. c. 126, s. 58, repealed.

58. Where two or more persons holding as tenants in common have been entered as owners of any land or charge, and one of them dies, his personal representative or such other person as may be entitled to the share of the deceased, may be entered as owner with the survivor or survivors. Entry of representatives of deceased tenant in common.

3. Subsection 1 of section 72 of *The Land Titles Act* is amended by striking out the words "lodge a caution" at the commencement of the third line and inserting in lieu thereof the words, "apply for registration of a caution." Rev. Stat. c. 126, s. 72, subs. 1, amended. Registration of caution.

4.—(1) Subsection 1 of section 73 of *The Land Titles Act* is amended by striking out the word "lodged" in the first line and inserting the word "registered" in lieu thereof. Rev. Stat. c. 126, s. 73, subs. 1, amended. Notice of caution.

(2) Subsection 4 of the said section 73 is amended by adding at the end of the said subsection the following words, "or where the transferee, chargee or other person desiring the registration of the dealing, is willing that the same should be registered, subject to the continuance of the caution, and the Master thinks fit so to register it. Where a caution is continued, such continuance shall prevent further registrations of dealings by the registered owner until after notice to the cautioner, unless as in this section provided." Rev. Stat. c. 126, s. 73, subs. 4, amended. When notice will not be given.

Rev. Stat.
c. 126, s. 73,
amended.

(3) The said section 73 is further amended by adding thereto the following subsection:

Where
caution
affects
part of
land
transferred
only.

4a. Where a caution only affects part of the land dealt with by the transfer charge or other instrument, the Master may, upon the application in writing of the person desiring registration, or his solicitor, register the dealing as to the land not affected by the caution, and may subsequently, after notice to the cautioner, or with his consent, register the dealing as to the remainder of the land dealt with by the instrument or any part thereof. The certificate of registration on the instrument shall show that the registration made in the first instance covers only part of the land embraced in it.

Rev. Stat.
c. 126, s. 81,
subs. 1,
amended.
Registration
of caution
against
entry of
land.

5. Subsection 1 of section 81 of *The Land Titles Act* is amended by striking out the words "lodge a caution" in the third and fourth lines, and inserting the words, "apply for the registration of a caution" in lieu thereof.

Rev. Stat.
c. 126, s. 83,
amended.
Notice of
caution.

6. Section 83 of *The Land Titles Act* is amended by striking out the word "lodged" in the first line and inserting the word "registered" in lieu thereof.

Rev. Stat.
c. 126,
amended.

7. *The Land Titles Act* is amended by adding thereto the following section:

Power of
court as to
costs in
proceeding
to rectifying
register.

116a. The Court, on any application, or in any other matter or proceeding coming before it under this Act, shall have the like authority in respect of costs, as it has in any ordinary proceeding within its jurisdiction.

Rev. Stat.
c. 126, s. 123,
subs. 1,
amended.
Assurance
fund.

8.—(1) Subsection 1 of section 123 of *The Land Titles Act* is amended by striking out the words "certificate of ownership or of charge" in the seventh line and inserting in lieu thereof the words "certificate of ownership of land or of a charge."

Rev. Stat.
c. 126, s. 123,
subs. 13,
amended.
Assurance
fund
charges.

(2) Subsection 13 of section 123 of *The Land Titles Act* is amended by inserting after the word "expropriated" the words, "by any authority other than the Crown."

Rev. Stat.
c. 126, s. 123,
amended.

(3) The said section 123 is further amended by adding the following subsections:

Payment of
assurance
fee on
value of
timber,
minerals,
etc., taken
from land.

15. Where the value of any land is diminished by the removal therefrom of timber or minerals after such land has been located, sold or patented,
except

except where the removal of the timber was under a Crown timber license, there shall also be paid as part of such assurance fee, one-fourth of one per cent. of the value of the timber or minerals which have been removed. If the Attorney-General of Ontario is of the opinion that it is, in any case, in the public interest that the removal of any timber or minerals from any parcel of land should be prohibited until the assurance fees chargeable in respect thereof have been paid, he may, by notice in writing given to the registered owner, prohibit such removal, and may require the payment forthwith of the assurance fees chargeable in respect thereof, and thereafter no person shall remove any timber or minerals from the said land until such payment has been made and noted in the register. Upon such notice being given, the Attorney-General may recover from the registered owner, or from any person who has removed timber or minerals from the said land, the amount payable to the Assurance Fund in respect of the land, including the timber and minerals, and any person from whom the said amount, or any part thereof has been collected, may recover the same from the registered owner, unless there is an agreement with the registered owner to the contrary.

- (16) Where land is forfeited to or is expropriated by the Crown without the assurance fees chargeable in respect of such land having been paid, and the said land is subsequently granted by the Crown, the like assurance fees shall be payable thereon as if such land were then being patented for the first time, and subsection 12 of this section shall apply to the said land.

Payment of
assurance
fees where
land taken
by Crown
is re-
granted.

9. Subsection 1 of section 151 of *The Land Titles Act* is amended by inserting after the word "application," in the fourth line, the words "and draft entry."

Rev. Stat.
c. 126, s. 151,
subs. 1,
amended.
First regis-
tration.

10. Subsection 1 of section 161 of *The Land Titles Act* is amended by inserting after the words, "local Master of Titles," in the second line, the words, "unless where the land is Free Grant or otherwise exempt from execution."

Rev. Stat.
c. 126, s. 161,
subs. 1,
amended.
Notice to
sheriff
when not
required.

CHAPTER 29.

An Act to amend The Mechanics' and Wage Earners' Lien Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 140, s. 6,
amended.
General
right to
lien.

1. Section 6 of *The Mechanics' and Wage Earners' Lien Act* is amended by adding after the word "upon" in the eighteenth line thereof the words "or adjacent to."

Rev. Stat.,
c. 140,
s. 16, ss. 2,
amended.
Property
subject to
lien.

2. Subsection 2 of section 16 of the said Act is amended by adding after the word "upon" in the first line thereof, the words "or adjacent to."

Rev. Stat.,
c. 140,
s. 8, ss. 1,
amended.
Property
upon which
lien awards.

3. Subsection 1 of section 8 of the said Act is amended by adding at the commencement thereof the words "save as herein otherwise provided."

Rev. Stat.,
c. 140, s. 8,
amended.

4. Section 8 of the said Act is amended by adding thereto the following subsection:

Encumbered
property.

(4) The selling value of land incumbered by a prior mortgage or other charge, shall be deemed to be increased by the value of the work or service performed upon and of the material furnished or placed thereon or adjacent thereto.

Rev. Stat.,
c. 140,
s. 14, ss. 2,
amended.

5. Subsection 2 of section 14 of the said Act is amended by adding at the commencement thereof the words, "Save as herein otherwise provided."

CHAPTER 30.

An Act to amend The Ontario Railway Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 79 of *The Ontario Railway Act* is amended by adding thereto the following subsection: Rev Stat.
c. 185, s. 79,
amended.

(6) Such deviation, change or alteration to be made in the railway or any portion thereof shall not impair, abridge or affect the right of the company to operate the balance of the railway along any public street or highway of any municipality through which the railway runs under the terms of its agreement with the municipality; provided, however, that notice of the application to the Board for approval of the plan profile and book of reference shall be given to the municipal corporations affected. Deviation
not to
affect
right of
company
to operate.

(2) Section 243 of *The Ontario Railway Act* is amended by adding thereto the following subsection: Rev. Stat.
c. 185, s. 243,
amended.

(3) Such deviation to be made in the line as already constructed, if made with the consent of the Board, shall not affect the right of the company to operate the balance of its line of railway along any public street or highway under its agreements with the municipalities. Deviation
not to
affect
right of
company
to operate.

(3) The provisions of subsections 1 and 2 shall not take effect as to any company until the Lieutenant-Governor in Council shall so order. Order of
Lieutenant-
Governor
in Council.

2. Subsection 2 of section 210 of *The Ontario Railway Act* is amended by striking out the word "lesser" in the fifth line thereof and substituting therefor the word "greater". Rev. Stat.
c. 185,
s. 210 (2),
amended.

Rev. Stat.
c. 185,
amended.

3. The said Act is further amended by adding the following as section 256a:

One man as
motorman
and con-
ductor

256a. No street railway car or electric railway car, when engaged in carrying passengers, shall be operated with one man performing the duties of both motorman and conductor, without the approval of the Board; and the Board may make orders and regulations in respect of the construction and operation of such cars and may define and limit the routes upon which they may be operated.

Rev. Stat.
c. 185,
amended.

4. *The Ontario Railway Act* is amended by adding the following as section 260a:

Penalty
for failure
to supply
additional
cars.

260a.—(1) The Board, for the purpose of enforcing compliance with any order heretofore or hereafter made by it, requiring any railway company, operating a railway or street railway in whole or in part upon or along a highway under an agreement with a municipal corporation, to furnish additional cars or equipment for its service, in addition to any other powers possessed by it, may order such company to pay to the corporation of the municipality in which the company so operates, a penalty not exceeding \$1,000 a day for non-compliance with any such order:

Appeal
from order
of Board.

(2) An appeal from any such order or from the refusal by the Board to make an order, shall lie to the Appellate Division of the Supreme Court of Ontario at the instance of either the said corporation or the said company as fully in all respects as from the judgment of a judge at the trial of an action in the Supreme Court; and the judgment of the said Appellate Division shall be final and binding, and no further appeal shall be allowed:

Notice of
appeal.

(3) Notice of such appeal may be given within ten days after the date of the order of the Board, or of the refusal of the Board to make an order, and the appeal shall be set down for hearing as provided by Rules of Court.

Rev. Stat.,
c. 185, s. 302,
amended.

5. Section 302 of *The Ontario Railway Act* is amended by striking out all the words after the word "Ontario" in the ninth line thereof.

CHAPTER 31.

An Act respecting Telephone Systems.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Ontario Telephone Act*. Short title.
1918. R.S.O. c. 188, s. 1.

2. In this Act,

- (a) "Board" shall mean Ontario Railway and Municipal Board. R.S.O. c. 188, s. 2 (a); Interpretation "Board."
- (b) "Company" shall include an incorporated company, municipal corporation, association, partnership, individual or aggregation of individuals owning, controlling or operating, or who may propose to own, control or operate a telephone system or line within Ontario. R.S.O., c. 188, s. 2 (b).
- (c) "Extension" and "Extended" shall include and apply to any works necessary for furnishing telephone service to any person by an existing telephone system. 4 Geo. V, c. 32, s. 3. *Amended.* "Extension Extended."
- (d) "Initiating municipality" shall mean a municipal corporation which has established or proposes to establish a telephone system under this Act. R.S.O. c. 188, s. 2 (c). *Amended.* "Initiating Municipality."
- (e) "Maintenance" and "Maintaining" shall include repairs, switchboard operation, superintendence and management of the system. R.S.O. c. 188, s. 2 (d); 4 Geo. V, c. 32, s. 1. *Amended.* "Maintenance."

(f)

"Special
Act."

- (f) "Special Act" shall mean and include any Act of the Legislature of the Province of Ontario authorizing the construction of a telephone system or line and with which this Act is incorporated, and also letters patent incorporating a telephone company, and supplementary letters patent relating to such a company issued under the authority of any Act of this Legislature. R.S.O. c. 188, s. 2 (e). *Amended.*

"Subscriber."

- (g) "Subscriber" shall mean and include every person who, being a landowner, signs a petition to the council of a municipality praying for the establishment or extension of a telephone system which is afterwards established or extended pursuant to such petition, or upon whose property an annual special rate is or may be levied and collected for the purpose of paying the cost of establishing and maintaining such system or any extension thereof, or any reconstruction, replacement or alteration of the same or any part thereof. R.S.O. c. 188, s. 2 (f); 7 Geo. V, c. 40, s. 2. *Amended.*

"System."

- (h) "System" shall mean a telephone system established under this or any former Act. R.S.O. c. 188, s. 2 (g).

"Cost of
establish-
ing, etc.,
system."

- (i) "The cost of establishing and maintaining any system or extension thereof," shall mean not only the cost of constructing, erecting and installing the system, but also the cost of such improvement or strengthening of it, or any extension thereof, as may be necessary or expedient by the addition of switchboard equipment, poles, cables, wires, cross-arms, insulators and other appliances, or by the application of such work or labour as may be deemed necessary or expedient by the Board or the initiating municipality, or the Commissioners, as the case may be, to enable it to give the subscribers efficient telephone service. R.S.O. c. 188, s. 2 (h). *Amended.*

"Tolls,
toll."

- (j) "Toll" and "Tolls" shall include any toll, rate, rental, or charge for the transmission of telephone messages or for the use of telephone instruments, or circuits, or for the supply of telephone service. R.S.O. c. 188, s. 2 (i).

PART I.

TELEPHONE SYSTEM OPERATED AS A PUBLIC UTILITY.

3. The corporation of any municipality may establish and carry on a telephone business as a public utility, and for that purpose shall have and may exercise all the powers possessed by a municipal corporation under *The Public Utilities Act*, and under this Act and the provisions of the said Act and of this Act shall, *mutatis mutandis*, apply to a corporation so carrying on a telephone business and "public utility" as defined by *The Public Utilities Act* shall include telephone service. *New.*

Establishment and operation of telephone business as public utility. Rev. Stat. c. 204.

4. The Board shall have and may exercise in respect of a telephone business established and carried on as a public utility under this Part all powers and authority which it has and may exercise in respect of a system established and carried on under Part II. *New.*

Powers of Board.

PART II.

LOCAL MUNICIPAL TELEPHONE SYSTEMS.

Establishment and Extension of Systems.

5. A petition signed by not less than ten assessed landowners may be presented to the council of any local municipality praying for the establishment of a telephone system. *R.S.O. c. 188, s. 9. Amended.*

Petition for establishment of System.

6. A petition signed by one or more assessed landowners, may be presented to the Council of a local municipality in which a telephone system is established under section 5 praying for an extension of such system so as to serve his or their premises respectively. *New.*

Petition for extension of System.

7. A petition under section 5 or 6 shall set forth such particulars as the Board may require, and a signature after being affixed to such petition shall not be removed therefrom, except with the approval of the Board. *R.S.O. c. 188, s. 10; 4 Geo. V, c. 32, s. 7. Amended.*

Particulars to be stated in petition

Adding
signatures
to petition
after pre-
sentation
to Council.

8. Where the petition for the establishment or extension of a system prays that the debentures of the initiating municipality shall be issued to pay the cost of the work, any additional landowner may, with the permission of the Council, or of the Commissioners as the case may be, at any time before the passage of the debenture by-law, affix his signature to such petition, and thereupon and thereafter such additional landowner shall have all the rights and be subject to all the obligations of the original signatories to such petition. *New.*

Petition to
constitute a
contract.

9. The petition shall constitute a valid and binding contract on the part of each person signing the same to repay to the initiating municipality his share of the cost of establishing or extending the system as the case may be, and operating and maintaining the same. 4 Geo. V, c. 32, s. 8. *Amended.*

By-law to
establish or
extend sys-
tem.

10. Upon the receipt of such petition the Council may by by-law from time to time at the expense of the subscribers and subject to such conditions as may be set forth in the by-law, provide for the establishment or extension of the system as the case may be, and for the maintenance and operation of the same. R.S.O. c. 188, s. 11. *Amended.*

Extension
of system
into another
municipal-
ity.

11. The Council of the initiating municipality may, from time to time extend the system into another municipality with the consent of the Council of such other municipality, or with the approval of the Board on the petition of ten assessed landowners of such other municipality. R.S.O. c. 188, s. 13. *Amended.*

Extension
of system
into unor-
ganized
township.

12. The Council of the initiating municipality may, with the consent of the Board, extend the system into an unorganized township, and the part of such unorganized township into which the system is extended, to be defined by the Board, shall, for the purposes of this Act, be deemed to be annexed to the initiating municipality, and the Council and officers thereof shall levy and collect all special rates under this Act and do all acts and perform all duties and be subject to the same liabilities in respect to such part of such unorganized township as, for the purposes of this Act, they may do, perform and are subject to with respect to the initiating municipality. 5 Geo. V, c. 33, s. 2. *Amended.*

Approval
by Board
of By-law
plans and
specifica-
tions.

13. The initiating municipality before proceeding to establish a system, or to construct any extension of an existing system, which may require the issue of debentures, shall furnish to the Board a certified copy of the by-law providing

for

for the establishment of such system or for the construction of such extension, together with such plans, particulars of the cost of the work, and such other information as the Board may require, and no debt shall be incurred for the construction of the system, or for any extension of an existing system which may require the issue of debentures, or for the purchase of material to be used in such construction until the Board shall have approved such by-law. R.S.O. c. 188, s. 17 (9); 5 Geo. V, c. 33, s. 9. *Amended.*

14. The initiating municipality shall, with the approval of a majority of the subscribers present at a general meeting duly called, determine the location of any exchange or switchboard of the system, and any relocation of the same from time to time. R.S.O. c. 188, s. 20; 4 Geo. V, c. 32, s. 13. *Amended.*

Location of
exchange or
switchboard
by initiating
municipal-
ity.

15. In case of the failure to determine the location or relocation of any exchange or switchboard under the foregoing subsection, the Board may determine the location or relocation of the same. 7 Geo. V, c. 40, s. 6. *Amended.*

Location of
exchange or
switchboard
by Board.

16. Every telephone system established or extended under this Part shall be vested in the initiating municipality in trust for the benefit of the subscribers, and such municipality shall be liable for all the obligations of the system and shall have and may exercise all or any of the powers conferred on municipal corporations by Part I. R.S.O. c. 188, ss. 12 and 15. *Amended.*

Ownership
of system.

Borrowing Powers and Debentures.

17. Where the subscribers or a majority of them, in the petition for the establishment or extension of the system, pray that the payment of the cost of the work be extended over a period not exceeding ten years, and that debentures of the initiating municipality be issued to pay the cost of the work, the Council of the initiating municipality in the by-law providing for such establishment or extension of the system, or in a subsequent by-law, may provide for the issue of debentures payable within ten years from the date of the issue thereof, and that the proceeds of such debentures shall be applied in payment of the cost of establishing or extending the system as the case may be, and for levying a special rate upon the property of the subscribers sufficient to discharge any debt so incurred in equal annual instalments of principal and interest. R.S.O. c. 188, s. 17 (1). *Amended.*

Issuing
debentures
for cost of
work.

18. The debentures shall be issued on the credit of the initiating municipality, and it shall not be necessary that

Assent of
electors not
required.

the

the by-law authorizing their issue be submitted for the assent of the electors. R.S.O. c. 188, s. 17 (4). *Amended.*

Agreement
with bank
for ad-
vances.

19. The initiating municipality may agree with any bank, person or body corporate for temporary advances to meet the cost of the work until the completion thereof, and may then pass the necessary by-law authorizing the issue of debentures, out of the proceeds of which the temporary advances shall be paid, but the by-law for the issue of debentures shall be passed not later than two years after the passing of the by-law for the establishment or extension of the system as the case may be, and the debentures shall be issued within twelve months after the passing of the by-law authorizing the issue of the same; provided, however, that the Board may extend beyond two years the period within which the by-law for the issuing of debentures may be passed and may extend beyond twelve months the period within which the debentures may be issued. R.S.O. c. 188, s. 17 (8); 4 Geo. V, c. 32, s. 12; 5 Geo. V, c. 33. *Amended.*

Extension
of debenture
period.

20. Where the subscribers, or a majority of them, by petition to the Council of the initiating municipality, pray that the payment of the cost of the work be extended over a period exceeding ten years, the Board may authorize the Council to provide by by-law that the payment of the debentures to be issued may be extended over a period exceeding ten years, and in determining the length of such period the Board shall have regard to the character of the construction of such work and its probable durability. Provided, however, that this subsection shall not apply to any system where the sum required to discharge the principal and interest of the debentures and to pay the cost of maintenance does not exceed twelve dollars per year for each subscriber. 5 Geo. V, c. 33, s. 7.

Reconstruction,
replacement
or alteration
of system.

21.—(1) Where in the opinion of the Council of the initiating municipality or the Commissioners of a system, as the case may be, it is necessary or expedient to reconstruct, replace or alter the system or any part thereof, and to issue the debentures of the initiating municipality to meet the cost of the same, the Council of the initiating municipality may, with the approval of the Board, and without a petition from the subscribers or any of them, pass a by-law authorizing the doing of the work and the issue of debentures for that purpose, and it shall not be necessary that the by-law be submitted for the assent of the electors.

(2) The Board shall fix and determine the landowners who shall defray the cost of such reconstruction, replacement or alteration, and the lands upon and in respect of which the special

special rate shall be levied to discharge the debenture debt so incurred, with interest.

(3) The provisions of this Act as to debentures shall apply to debentures issued under this section. *New.*

22. Where the initiating municipality has been ordered by the Board to construct works under this Act, such works shall be deemed to be an extension of the telephone system of such municipality, and the Council of the initiating municipality shall have and may exercise in respect of such works the like powers as are vested in such Council by this Act in respect of the construction of an extension of the system and the issue of debentures to meet the cost of the same, and such powers may be exercised without a petition from the subscribers to the system or any of them. *New.*

23. Where the debentures of the initiating municipality heretofore issued to pay for the cost of establishing or extending a system are payable within ten years from the date of issue, then, notwithstanding anything in any Act or in the by-law authorizing the issue of such debentures, the Council of such initiating municipality may, by by-law, provide that a portion or portions of the principal of such debentures to fall due in any year or years may at maturity be liquidated by the issue of new debentures of the municipality, and it shall not be necessary for the municipality to provide by a sinking fund or otherwise for the payment of such portion or portions of the principal so falling due in such year or years, and such new debentures shall be payable at latest within fifteen years from the date of issue of the first-named debentures, and the by-law or by-laws authorizing the issue of such new debentures shall make provision according to law for the payment of the same at maturity with interest, and shall not require the assent of the electors; but no such by-law or by-laws providing for the issue of new debentures shall be passed where the annual special rate levied upon any subscriber is less than twelve dollars, and in no case shall such a by-law take effect until it has been approved by the Board. 5 Geo. V, c. 33, s. 7.

Purchase and Expropriation of Systems.

24. By agreement with the owner the initiating municipality may, with the approval of the Board, acquire by purchase any existing telephone system operated in the municipality or any portion thereof, and also any part of such system situate in another municipality with the consent of the Council of such other municipality, and failing such consent

sent with the approval of the Board. R.S.O. c. 188, s. 16; 4 Geo. V, c. 32, s. 9; 5 Geo. V, c. 33, s. 5. *Amended.*

Offer to
purchase
system of
company.

25. If in the establishment or extension of any system it is proposed to erect poles, cables or wires upon or along a highway, upon or along or adjacent to which are located the poles, cables or wires of a telephone company, which is within the Legislative jurisdiction of Ontario, the initiating municipality before proceeding to erect such poles, cables or wires shall offer to purchase from the company at a fixed price its system or such part thereof as it is proposed to duplicate, or as the Board may determine should be purchased, and if the company does not accept the price so offered within one month from the date of the offer the Board shall fix a price to be offered, and the initiating municipality shall thereupon offer to purchase such system or part thereof at the price so fixed. R.S.O. c. 188, s. 17 (10); 6 Geo. V, c. 38, s. 2; 7 Geo. V, c. 40, s. 3. *Amended.*

Right of
municipal-
ity on re-
fusal of
Company to
accept
price.

26. If the Company does not within one month accept the offer of the price so fixed by the Board the initiating municipality may proceed to erect its poles, cables or wires upon or along such highway, or may expropriate such part of the system of the Company as may be located within the limits of the initiating municipality or within the limits of any adjoining municipality into which the initiating municipality has authority to extend its system or lines, making such compensation therefor as may be agreed upon, or in case of failure to agree, as may be determined by arbitration under *The Municipal Act*. R.S.O. c. 188, s. 17 (11); *Amended.*

Damages
resulting
from sever-
ance.

27. In fixing the price to be offered or the compensation to be made, where part only of a telephone system is proposed to be purchased or expropriated there shall be included in such price or compensation as the case may be, a sum sufficient to compensate the owner of such system for any damages directly resulting from severance. 6 Geo. V, c. 38, s. 3.

Powers of
Council to
borrow
money and
to issue
debentures.

28. Where the Council of the initiating municipality acquires by purchase or expropriation an existing telephone system or part thereof, the powers vested by this Act in the Council of the initiating municipality as to borrowing by way of temporary advances and in respect of the issue of debentures for the establishment or extension of a telephone system may be exercised by the Council of the initiating municipality for the purpose of defraying the cost of such purchase. *New.*

Cost

Cost of Establishment, Extension and Maintenance.

29.—(1) The cost of the establishment and maintenance of a system or any extension thereof shall be defrayed by the subscribers thereto in equal proportions, or in such other proportions as may be fixed by the Council of the initiating municipality with the approval of the Board, and in case of default in payment by any subscriber of the amount so fixed, the same may be collected as an ordinary debt by action against the person liable therefor, or may be added to the collector's roll as taxes due from him, and may be collected in the same manner as other taxes. R.S.O. c. 188, s. 14; 5 Geo. V, c. 33, s. 3. *Amended.*

Special rate upon subscribers.

(2) Where the period for which debentures have been issued for the establishment of a system or any extension of the same has expired, and the said debentures and interest thereon have been fully paid, any subscriber who has fully paid all rates and charges payable by him in respect of the establishment of such system or of such extension, shall thereafter be released and discharged from all liability in respect of the establishment of such system or of such extension except in respect of any liability which may arise under any further or other contract made by him for telephone service. *New.*

Liability of subscriber after expiry of debenture period.

30. If the amount collected from the subscribers, together with any other revenue derived from the operation of the system is insufficient in any year to meet the instalment of principal and interest falling due, and the cost of maintenance, the deficiency shall be paid out of the general funds of the initiating municipality, and the amount so paid shall constitute a debt due from the subscribers to the initiating municipality and may be collected in the same manner as any other debt due by the subscribers under this Act. R.S.O. c. 188, s. 17 (7); 4 Geo. V, c. 32. *Amended.*

Deficiency in any year how made up.

31. If the share of the cost to each subscriber to any extension of a system is less than the share of the cost to each subscriber to the establishment of the original system, the initiating municipality may charge each subscriber to such extension the same annual amount, and for the like term of years, as was charged each subscriber to the establishment of the original system, and the difference between such last mentioned amount and the cost to each subscriber to such extension, shall be applied by the initiating municipality towards the cost of the maintenance of the system, including any extensions of the same. R.S.O. c. 188, s. 18. *Amended.*

Equalizing charges against subscribers.

Special
rate for
extensions.

32. If the share of the cost to each subscriber to any extension of a system is more than the share of the cost to each subscriber to the establishment of the original system, the initiating municipality may, with the approval of the Board, and subject to such conditions as the Board may prescribe, levy upon the property of each subscriber to such extension such annual special rate as in the opinion of the Board will be sufficient to discharge the debt incurred by reason of such extension, in equal annual instalments of principal and interest. 7 Geo. V, c. 40, s. 4. *Amended.*

Validity of
rate.

33. In the event of a question arising as to the validity of any special rate levied under this Act, the same shall be determined by the Board, on an application to it for that purpose, and the determination of the Board shall be final and conclusive. 5 Geo. V, c. 33, s. 4. *Amended.*

Terms and
rates for
non-sub-
scribers.

34. The initiating municipality may by by-law subject to the approval of the Board, prescribe the terms on which a person not being a subscriber may procure his premises to be connected with the system, and the rates at which he may receive telephone service and any such rate when overdue and unpaid may be collected in the same manner, and with the like remedies as a rate due and unpaid by a subscriber to the system. R.S.O. c. 188, s. 17 (2); 4 Geo. V, c. 32, s. 10. *Amended.*

Telephone Commissioners.

Council to
manage
system.

35. Until the subscribers of a telephone system petition or requisition the Council of the initiating municipality as hereinafter provided, the system shall be under the control and management of the Council. *New.*

Petition
for manage-
ment by
Commis-
sioners.

36. Upon the petition of a majority of the subscribers or upon a requisition assented to by a two-thirds vote of the subscribers present at a general meeting duly called, the Council of the initiating municipality shall place the system under the control and management of three Commissioners to be designated "The Commissioners for the Telephone System of the Municipality of . . ."; a majority of whom may exercise all the powers of the Commissioners. R.S.O. c. 188, s. 21; 5 Geo. V, c. 33, s. 10; 7 Geo. V, c. 40, s. 7. *Amended.*

Election of
Commis-
sioners.

37. The Commissioners shall be elected each year at the annual general meeting of the subscribers, or at a general meeting called for the purpose, and the Commissioners shall hold office until their successors are elected as provided herein. R.S.O. c. 188, s. 21; 5 Geo. V, c. 33, s. 12.

38. No person shall be eligible for election as a Commissioner unless he is a subscriber to the system as herein defined. 7 Geo. V, c. 40, s. 10. *Amended.*

Only a subscriber may be Commissioner.

39. No person having himself or by or with or through another an interest, other than that of a subscriber, in any contract relating to the construction or maintenance of the system or in any contract for the supply of goods or materials to a contractor for work in connection with the system for which the initiating municipality or the Commissioners are liable directly or indirectly to pay or who has an unpaid claim for such construction or maintenance, goods or materials, shall be eligible to be elected a Commissioner or auditor. 4 Geo. V, c. 32, s. 15. *Amended.*

Disqualification for office of Commissioner and Auditor.

40. Where a vacancy in the office of Commissioner occurs from resignation, death or incapacity to act, the Council of the initiating municipality shall, with the approval of the Board, immediately appoint a successor who shall hold office for the remainder of the term for which his predecessor was elected or appointed. R.S.O. c. 188, s. 21; 5 Geo. V, c. 33, s. 12. *Amended.*

Filling vacancies in office of Commissioner.

41. From and after the election of the Commissioners for a system as herein provided, the control and management of the system shall be vested in the Commissioners and all the provisions of this Act relative to the initiating municipality and the Council thereof in respect of such system shall, except in so far as they or any of them are by this Act expressly excepted be applicable to the Commissioners. *New.*

Powers of Telephone Commissioners.

42. The Commissioners shall be paid such remuneration for their services as may be fixed by by-law passed as hereinafter prescribed. *New.*

Remuneration of Commissioners.

43. Nothing herein contained shall affect the ownership of the system which shall remain vested in the initiating municipality nor the authority and duty of the initiating municipality and its several officials, upon the requisition of the Commissioners to provide from time to time all moneys required for the establishment and maintenance of the system or any extension thereof, nor the right of the initiating municipality to levy and collect all moneys and rates which may be due and owing from time to time by the subscribers. R.S.O. c. 188, s. 21; 7 Geo. V, c. 40, s. 10. *Amended.*

Ownership of system and duties of initiating municipality.

44. The Commissioners may procure to be given by the secretary or other officer employed by them such security as they may require for the faithful performance of his duties

Security to be given by Secretary, etc.

by

by such secretary or other officer, and for the duly accounting for and paying over all moneys which may come into his possession or control. *New.*

By-laws.

45. The Commissioners of a system may make by-laws not contrary to law or to this Act, to regulate:

- (a) the time and place at which the meetings of subscribers shall be held, the manner of calling such meetings and the procedure at the same;
- (b) the manner of election, duties and remuneration of the Commissioners;
- (c) the control and management of the system; but such by-laws shall be confirmed at a general meeting of the subscribers called for the purpose or at the next annual meeting of the subscribers. R.S.O. c. 188, s. 21 (3); 7 Geo. V, c. 40, s. 10. *Amended.*

**Assumption
of control
of system
by Council.**

46. Upon a resolution adopted by a majority of all the subscribers of the system present at a general meeting duly called, requiring the Council of the initiating municipality to take over the control and management of the system, the Council may, with the approval of the Board, pass a by-law for that purpose, and thereupon the Commissioners, their officers, servants and agents shall hand over to the Council or some official designated by it, all the property of the system of what kind soever and all moneys, vouchers, books, papers, documents and memoranda relating to the system in their possession, and thereafter the control and management of the system shall be vested in the initiating municipality and the Council thereof. 5 Geo. V, c. 33, s. 11. *Amended.*

Meetings of Subscribers.

**Annual
meeting.**

47. Every system established under this Part shall hold a general meeting of its subscribers in each year not later than the thirty-first day of January, or at such other time as may be prescribed by the Board. 5 Geo. V, c. 33, s. 11; 7 Geo. V, c. 40, s. 8. *Amended.*

**Financial
statement
to be sent
to sub-
scribers.**

48. Not less than ten days before the day fixed for holding the annual meeting a financial statement shall be sent by mail prepaid or delivered to each subscriber and to each member of the Council of the initiating municipality containing:

(a)

- (a) a balance sheet showing in sufficient detail the assets and liabilities of the system as of 31st December last past;
- (b) an abstract of the income and expenditure of the system for the financial year ending on 31st December last past;
- (c) a copy of the report of the auditor or auditors for the year ending 31st December last past;
- (d) such other information respecting the system as the by-laws may require or the Board prescribe. 5 Geo. V, c. 32, s. 11; 7 Geo. V, c. 40, s. 9.
Amended.

49. The financial statement in the last section mentioned shall be submitted to the subscribers at the annual general meeting. 5 Geo. V, c. 33, s. 11.

Financial Statement to be submitted to annual meeting.

50. In default of other express provision in the by-laws of the system, notice of the time and place for holding any general meeting of the subscribers shall be given at least ten days previously thereto by registered letter to each subscriber at his last known address. 5 Geo. V, c. 33, s. 11.
Amended.

Notice calling general meeting.

51. A notice of every general meeting of the subscribers shall be mailed prepaid or delivered to each member of the Council of the initiating municipality. *New.*

Notice of meeting to be sent to members of council.

52. All notices calling a general meeting of the subscribers and the financial statements above-mentioned shall be sent out by the Commissioners or by their secretary or other officer, and where the system is under the control and management of the Council, by the clerk of the initiating municipality. *New.*

By whom notice of meetings to be sent.

53. The notice calling any special general meeting shall state the business which is to be transacted at it. *New.*

Notice of special general meeting.

54. Upon receipt of a requisition in writing, signed by not less than one-tenth of the subscribers, setting forth the objects of the proposed meeting, the Commissioners, by their secretary or other officer, or where the system is under the control and management of the Council, the clerk of the initiating municipality, shall forthwith call a special general meeting of the subscribers for the transaction of the business mentioned in the requisition. 5 Geo. V, c. 33, s. 11.
Amended.

Special general meeting called on requisition.

Special
general
meeting
called by
subscribers.

55. If the meeting is not called and held within twenty-one days from the date upon which the requisition was handed or mailed prepaid to the Chairman or Secretary of the Commissioners or to the clerk of the initiating municipality, as the case may be, one-tenth of the subscribers, whether they signed the requisition or not, may themselves by notice as herein provided call a special general meeting of the subscribers for the transaction of such business. 5 Geo. V, c. 33, s. 11. *Amended.*

Special
general
meeting
called by
Council, etc.

56. The Commissioners or the Council of the initiating municipality, as the case may be, may of their own motion call a special general meeting of the subscribers for the transaction of any business. 5 Geo. V, c. 33, s. 11. *Amended.*

Who may
vote at
general
meetings.

57. No person shall be entitled to vote at any general meeting unless he is a subscriber to the system; provided that any member of the Council of the initiating municipality may attend any general meeting and take part in the deliberations thereat, but may not vote. 7 Geo. V, c. 40, s. 10. *Amended.*

Duties and Remuneration of Municipal Officials.

Duties of
municipal
officials
of initiating
municipality.

58. When a telephone system is under the control and management of the initiating municipality the several officials of the municipality in their respective offices shall do and perform all acts, matters and things herein on their part respectively directed to be done and performed in respect of the system; and when the system is under the control and management of Commissioners, the said officials respectively shall do and perform the said Acts, matters and things in like manner unless relieved therefrom by the Commissioners. *New.*

Duties of
municipal
officials
in initiating
and
other municipa-
lities.

59. Where a telephone system extends into a municipality other than the initiating municipality the clerk of the initiating municipality shall forthwith after its passing transmit to the clerk of such other municipality a certified copy of every debenture by-law charging with a rate the premises of any subscriber situate in such other municipality, and shall also in any year, when so required by the initiating municipality or the Commissioners of the system, as the case may be, transmit to the clerk of such other municipality the amount payable by each such subscriber respectively, and the same shall be placed on the collector's roll of such other municipality, and shall be collected in the same manner as municipal taxes, and paid over to the treasurer of the initiating municipality. R.S.O. c. 188. s. 17 (6). *Amended.*

60. The initiating municipality, or the Commissioners, as the case may be, shall pay to the clerk, treasurer and collector of such municipality respectively, and to the clerk, treasurer and collector respectively of any other municipality into which its system extends, a reasonable remuneration for services performed by them or any of them under this Act, and such remuneration shall be fixed by agreement between the official performing the service and the Council of the municipality or the Commissioners, as the case may be, and failing agreement, by the Board, on an application to it for that purpose. R.S.O. c. 188, s. 14 (2) (3); *Amended.*

Remuneration of clerk, treasurer, collector, etc.

61. The clerk, treasurer or collector of any municipality failing or neglecting to do and perform any act, matter or thing herein, or by any other act or by order of the Board directed to be done and performed by them respectively, shall incur a penalty of \$50 to be recovered and enforced by Order of the Board, or as provided by subsection (1) of section 498 of *The Municipal Act*. *New.*

Penalties for breach of duty by municipal officials.

Books of Account.

62. The Council of the initiating municipality or the Commissioners, as the case may be, shall cause proper books of account to be kept containing full and true statements of:

Books of account to be kept.

(a) the financial transactions in respect of the system;

(b) the assets of the system;

(c) the sums of money received and expended in respect of the system and the matters in respect of which such receipt and expenditure took place;

(d) the credits and liabilities of the system;

and

a book or books containing minutes of all the proceedings and votes at meetings of the Council or of the Commissioners and subscribers, respectively, verified by the signature of the Reeve, Chairman of the Commissioners or other presiding officer, as the case may be. *New.*

Audit.

63. The accounts of the system shall be examined once at least in every year and the correctness of the balance sheet shall be ascertained by the auditor or auditors of the initiating

Audit of accounts.

ting

ring municipality, and where the system is under the control and management of Commissioners, by an auditor or auditors, who shall be elected at the annual or other general meeting of the subscribers. 5 Geo. V, c. 33, s. 4. *Amended.*

Filling
vacancies
in office
of auditor.

64. The Council of the initiating municipality or the Commissioners as the case may be, may fill any casual vacancy in the office of auditor, and any auditor shall be eligible for reappointment. *New.*

Remunera-
tion of
auditor.

65. The remuneration of the auditor or auditors shall be fixed by the subscribers in general meeting, except that the remuneration of any auditor or auditors appointed to fill any casual vacancy, may be fixed by the Council of the initiating municipality, or by the Commissioners, as the case may be. *New.*

Limitation of Actions.

Limitation
of action
against
corporation.

66. No action shall be brought against a municipal corporation or any of its officers, agents or servants for anything done or omitted in the construction, operation or maintenance of a telephone system, or in the exercise of any of the powers under this Act after the lapse of six months after the time when the cause of action arose. R.S.O. c. 188, s. 7. *Amended.*

PART III.

GRANTS OF MUNICIPAL FRANCHISES.

Grants of
right to
use high-
ways.

67. The Council of a county, village or township, with the approval of the Board, and the Council of any other municipality, with the assent of the municipal electors, may pass a by-law or by-laws for granting to a telephone company, upon such terms and conditions as may be deemed expedient, the right to use any of the highways, squares, or lanes in the municipality for placing in, upon, over or under the same poles, cables, ducts and wires for the purpose of its business. R.S.O. c. 188, s. 8 (1). *Amended.*

Exclusive
right to
use high-
ways in
urban mun-
icipalities.

68. In the case of a city, town or village, the right in the previous section mentioned may be an exclusive right, limited to a period not exceeding five years at one time. R.S.O. c. 188, s. 8 (2).

69. Notwithstanding a by-law passed under the previous section, a Council may grant to any person permission to use any of the highways, squares or lanes of the municipality, for the purpose of a private telephone line for the use of such person, his servants, clerks, or agents, or persons communicating with him or them. R.S.O. c. 188, s. 8 (3). *Amended.*

Use of highway for private telephone line.

70. Subject to the provisions of the three preceding sections, whenever the Council of a municipality and a company are unable to agree as to the terms and conditions upon which the right to use the highways, squares, or lanes in the municipality shall be granted, the Council and the company may, by common consent, refer the matters in dispute to the Board, in which event the Board, after hearing the evidence of all persons interested, may prescribe such terms and conditions, and thereupon such terms and conditions shall be binding upon the corporation of the municipality and the company. R.S.O. c. 188, s. 8 (5). *Amended.*

Board to determine differences as to use of highways.

71. In unincorporated territory the right to use for the foregoing purposes any highway or road allowance situated in a township without municipal organization may be granted by the Board. 4 Geo. V, c. 32, s. 5. *Amended.*

Right to use highway in unorganized Townships.

PART IV.

INCORPORATION OF COMPANIES.

72.—(1) Every unincorporated association or partnership of persons, comprising five or more members or partners, owning, or proposing to own, a telephone system, and using or proposing to use a public highway or highways, for the purpose of furnishing telephone service to the members or partners of such unincorporated association or partnership, or any of them, or to other persons, shall procure to be issued to them Letters Patent under *The Ontario Companies Act*, creating them a corporation, with share capital, for the purpose of carrying on the business of a telephone company. 5 Geo. V, c. 33, s. 21; 7 Geo. V, c. 38, s. 7. *Amended.*

Partnerships and unincorporated associations to be incorporated.

73. Every member or partner of such association or partnership shall have allotted to him shares in the company so incorporated of equal value to his share or interest in the association or partnership at the date upon which the charter of incorporation is granted, and if any dispute arises as to the value of such share or interest, the same shall be determined by the Board. 5 Geo. V, c. 33, s. 21. *Amended.*

Allotment of shares in company to members of partnership, etc.

How value
of partners
to be
computed.

74. In computing the value of the share or interest of any member or partner there shall be included, in addition to any money contributed by him for the purpose of such unincorporated association or partnership, the value of any poles, wires, or other equipment, including the cost of installation, contributed by him, and for which such member has not been reimbursed, and thereafter such poles, wires or other equipment, as the case may be, shall be the property of the company. 5 Geo. V, c. 33, s. 21. *Amended.*

PART V.

ALL TELEPHONE SYSTEMS.

Equipment and Service.

Efficient
service
to be
furnished.

75. Every company shall furnish a prompt and efficient service and for the purpose of ensuring the same the Board may prescribe standard conditions and specifications for the construction and equipment of all telephone systems, and may make such orders for the maintenance thereof as the Board may from time to time determine to be expedient or necessary, but such standard conditions or specifications shall not apply to that part of the plant or equipment of a telephone system in course of construction, or existing and operated by any company prior to the 30th day of June, 1911, but the same shall apply to the renewal or replacement thereof whenever such renewal or replacement may, in the opinion of the Board, become necessary as a result of depreciation, or obsolescence. R.S.O. c. 188, s. 26 (1); 4 Geo. V, c. 32, s. 17. *Amended.*

Conditions
and speci-
fications.

76. In prescribing such conditions and specifications, the Board shall take into consideration only such standards as in general practice have been found necessary for the protection of life and property, and for the provision of an efficient service to the public, without regard to any particular type of equipment or apparatus. R.S.O. c. 188, s. 26 (2).

Repairs to
equipment
operated
but not
owned by
company.

77. Where the telephone or other equipment operated in connection with the system of a company is not the property of such company, the owner of such telephone or other equipment shall keep and maintain the same in proper working order, and so as not to impair the efficient operation of said system, and in case such owner fails to do so, the company by its servants or agents may at all reasonable times and upon reasonable notice given or request made enter in and upon the premises upon which such telephone or other equip-

ment is situate for the purpose of inspecting and repairing, and where necessary may repair the same, and the company may collect the cost of the repairs so made from the owner of such telephone or other equipment in like manner and with the like remedies as it may collect telephone rates. 6 Geo. V, c. 38, s. 5.

78. No company shall erect poles upon or along or adjacent to and parallel with any portion of a highway upon or along which the pole leads of another company are already erected, unless by consent of the Board. R.S.O. c. 188, s. 26; (6); 5 Geo. V, c. 33, s. 16; 6 Geo. V, c. 38, s. 6. *Amended.*

Duplication of pole leads on highways.

79. When in the opinion of the Board the convenience of persons desiring telephone service requires the extension of a system upon or along a highway, upon or along which there is already a telephone pole lead, the Board may make such order as it may deem expedient for authorizing such extension, and preventing the unnecessary multiplication of pole leads upon or along such highway, and such order shall not be subject to appeal or be open to review except by the Board. R.S.O. c. 188, s. 26 (6); 4 Geo. V, c. 32, s. 18. *Amended.*

Use of pole leads by two or more systems.

80. Notwithstanding anything in any Act contained, whenever any person makes application to a company for telephone service, the company shall furnish such telephone service upon terms to be agreed upon, and failing agreement, upon such terms and conditions as may be ordered by the Board, and no order made under this section shall be subject to appeal or to review except by the Board. R.S.O. c. 188, s. 36, amended.

Telephone service to be furnished on request.

81. Where it is necessary for the purpose of carrying into effect any order of the Board made under this Act that a company should erect poles, cables, ducts or wires upon or along any road or highway under the jurisdiction of a town, village, county or township municipality, such company may, notwithstanding any limitations in the Letters Patent incorporating it or otherwise, erect such poles, cables, ducts and wires upon or along such road or highway upon such terms and conditions as may be agreed upon between the Council of the municipality and the company, and if the Council and the company are unable to agree, then upon such terms and conditions as shall be prescribed by the Board. R.S.O. c. 188, s. 28. *Amended.*

Erection of poles to enable performance of Board's Order.

Terms.

Connection of Telephone Systems.

82. A company may enter into an agreement with any other company, whether the latter is under the jurisdiction of the Legislature of the Province of Ontario or not, providing

Agreements for connection, joint operation, etc.

providing for the connection, intercommunication, joint operation or reciprocal use of the respective lines and systems controlled, owned or operated by such companies, and for the transmission of business between such systems, and for the interchange of telephone messages and service passing to, from or over their said lines and systems, and for the apportionment of tolls, commissions and expenditures, and the division of receipts and profits and generally for the regulation, management and operation of their said lines and systems respectively, as between themselves and otherwise; but no such agreement shall have any validity or effect until approved by the Board. R. S. O. c. 188, ss. 33 (1) and 34; 4 Geo. V, c. 32, s. 21. *Amended.*

Board may order connection, joint operation, etc.

83. Whenever the telephone systems or lines of two or more companies are situate in such proximity to one another as to make it expedient in the public interest that they should be connected in order that there may be intercommunication between, or joint operation or reciprocal use of, them, or that such systems or lines should be used jointly by such companies for the transmission of messages by or over the same, if either or any of such companies fail or refuse to enter into an agreement with the other or others, the Board shall order that such connection be made, and shall order by whom, and in what manner, any line or works necessary for the purpose of making such connection shall be constructed and maintained, and how the cost incurred in constructing and maintaining it or them shall be borne, and shall order that there shall be such intercommunication between, or joint operation or reciprocal use of, and such transmission of messages by or over such systems or lines, including any such connecting lines or works, upon such terms and conditions as the Board may prescribe, and such order shall not be subject to appeal or be open to review except by the Board. R.S.O. c. 188, s. 33 (2). *Amended.*

Inter-communication by systems terminating on the switchboard of any company.

84.—(1) Where the lines of two or more telephone systems terminate upon the switchboard of a company, such company shall furnish all reasonable and proper facilities for the interchange of conversations between such telephone systems.

(2) The facilities to be so afforded shall include the providing of suitable appliances and competent operators to connect the lines of such telephone systems, and the permitting of conversations to be transmitted without unreasonable delay over the lines so connected.

(3) The terms upon which the facilities for the interchange of conversations between two or more telephone systems

systems shall be afforded under this section shall be fixed by agreement between the companies interested, subject to the approval of the Board, and failing such agreement they shall be fixed by the Board. *New.*

85. Where the telephone system or lines of a company within the legislative jurisdiction of the Province of Ontario and the system or lines of a telephone company within the jurisdiction of the Parliament of Canada are situate in such proximity to one another as to make it practicable for such systems or lines to be so connected as to provide direct communication whenever required, between any telephone on the one system or line and any telephone on the other system or line, either of such companies or any municipal corporation or other public body or any person interested may file with the secretary of the Board, and with the secretary of the Board of Railway Commissioners for Canada, an application for an order that such connection should be made together with evidence of service of such application upon the companies interested or affected, and the provisions of paragraphs *b, c, d* and *e* of subsection 1 of section 131 of *The Ontario Railway Act*, with the necessary adaptation, shall apply to every such application. *7 Geo. V, c. 40, s. 13.*

Inter-com-
munication
between Do-
minion and
Provincial
companies.

Rev. Stat.
c. 185.

Sales and Agreements Increasing Cost of Service.

86. A company shall not enter into an agreement with any other company having authority to construct or operate a telephone system, or line, whether such authority is derived from the Legislature of the Province of Ontario or not, which may have the effect of increasing the cost of telephone service to the public or of restricting competition in the supply of such service until such agreement has been submitted to and approved by the Board as just and reasonable. *R.S.O. c. 188, s. 35. Amended.*

Agreements
restricting
competition,
or increas-
ing cost of
service.

87. No company shall sell or transfer its system or a controlling interest in it to any person or company, or amalgamate with any company or system, or enter into an agreement which shall, in effect, transfer the ownership or control of the system of such first named company to any other company, whether such other company is within the jurisdiction of the Legislature of the Province of Ontario or not, until the Board has approved such sale, transfer, amalgamation or agreement. *R.S.O. c. 188, s. 29; 4 Geo. V, c. 32, s. 20; 7 Geo. V, c. 40, s. 12. Amended.*

Sales or
transfers
of systems,
etc.

Tolls.

Tolls.

88. All tolls to be charged by any company and all special rates to be levied and collected by any municipal corporation under this Act, shall be subject to the approval of the Board and no company or corporation shall charge, levy or collect any toll or special rate in excess of those approved by the Board. R.S.O. c. 188, s. 31; 5 Geo. V, c. 33, s. 19. *Amended.*

Tariffs to be filed.

89. Every company shall file with the Board its tariff of tolls in such form as the Board may prescribe, and shall give such particulars as the Board by order or regulation may require, and no company shall charge any toll which has not been filed with and approved by the Board. R.S.O. c. 188, s. 31 (2). *Amended.*

Municipal agreement or by-law fixing tolls.

90. Notwithstanding the provisions of any municipal agreement or by-law, a company may, with the approval of the Board, charge higher tolls than those prescribed in such municipal agreement or by-law. 5 Geo. V, c. 33, s. 20.

Publication of tolls.

91. The Board may, by regulation, or otherwise, prescribe the manner and form in which any tariff of tolls shall be published or kept open for public inspection. R.S.O. c. 188, s. 32.

Depreciation Fund.

Maintenance of depreciation fund.

92. Every telephone company shall out of earnings provide and maintain a proper and adequate depreciation fund whenever the Board shall, after enquiry, determine that such depreciation fund is reasonably necessary, and the Board on such enquiry shall ascertain and determine what is the proper and adequate rate of depreciation of the property of each such company; and the Board may make such changes in such rate of depreciation from time to time as it may find expedient. 6 Geo. V, c. 38, s. 8. *Amended.*

Deposit and application of fund.

93. The moneys carried to the credit of the depreciation fund shall, unless the Board otherwise directs, be deposited in a chartered bank at interest and may, with the approval of the Board, be expended in new constructions or extensions or additions to the property of the company, or with the like approval may be invested in interest-bearing securities; and all interest accruing from any portion of the depreciation fund so deposited or invested, and such portion of the earnings fixed by the Board as attributable to the moneys so expended in new constructions, extensions or additions, shall

from

from time to time be carried to the credit of the said fund.
6 Geo. V, c. 38, s. 8.

Issues of Stock, Bonds, Etc.

94. A company shall not issue stock, bonds, notes or other evidence of indebtedness payable at periods of more than twelve months after the date thereof, until it shall have obtained from the Board an Order authorizing such issue and the amount thereof, and stating the purposes to which the issue or proceeds thereof are to be applied, and that in the opinion of the Board, the money, property or labour to be procured or paid for by the issue of such stock, bonds, notes or other evidence of indebtedness, is or has been reasonably required for the purposes specified in the Order, and in case default is made by any company in complying with the requirements of this section every director, manager, secretary or other officer of the company who is knowingly a party to the default shall incur a penalty not exceeding \$50 for every such default, and such penalty shall be recoverable under *The Ontario Summary Convictions Act*, or may be enforced by Order of the Board. 6 Geo. V, c. 38, s. 8. *Amended.*

Approval
by Board
of issue
of stock,
bonds,
notes, etc.

Offences and Penalties.

95. A company may, with the approval of the Board, make regulations for the purpose of preventing wilful interference with, or interruption of, conversations or messages over the lines of its system, or of any system operating in connection with it, and any person offending against any of such regulations shall incur a penalty not exceeding \$25, recoverable under *The Ontario Summary Convictions Act*. R.S.O. c. 188, s. 26 (7). *Amended.*

Regulations
to prevent
misuse of
system.

96. Every operator or other person in the employ of a telephone company who divulges the purport or substance of any telephone conversation, or message passing over the system or lines of such company, except when lawfully authorized or directed so to do, is guilty of an offence and shall, on summary conviction before a justice of the peace, be liable to a penalty not exceeding twenty-five dollars or to imprisonment not exceeding thirty days or to both penalty and imprisonment. 7 Geo. V, c. 40, s. 11. *Amended.*

Employees
divulging
conversations.

97. Every person who, having acquired knowledge of any conversation or message passing over any telephone system or line not addressed to, or intended for, such person, divulges the purport or substance of such conversation or message except when lawfully authorized or directed so to do, is guilty of an offence and shall, on summary conviction before

before a justice of the peace, be liable to a penalty not exceeding twenty-five dollars, or to imprisonment for a term not exceeding thirty days or to both penalty and imprisonment. 7 Geo. V, c. 40, s. 11. *Amended.*

Using obscene language over telephone system.

98. Any person who, when using a telephone instrument or conversing over a telephone system or line, whether such telephone instrument, system or line is owned by a company within the jurisdiction of the Legislature of Ontario or not, shall use indecent, obscene, blasphemous or grossly insulting language shall, upon conviction under the provisions of *The Ontario Summary Convictions Act*, incur a penalty not exceeding twenty-five dollars, and in default shall be imprisoned for a period not exceeding thirty days. 5 Geo. V, c. 33, s. 17.

Receiving and Transmitting Weather Bulletins.

Companies to receive and communicate daily weather bulletin to subscribers.

99.—(1) It shall be the duty of every telephone company, its operators and agents, to whose central office the daily weather forecast bulletin issued by the Meteorological Bureau is delivered or transmitted, to receive the same and forthwith transcribe such bulletin legibly in writing or type on a form to be prescribed by the Board, and to file the same in said exchange, and to communicate, free of charge, the contents of such bulletin to any subscriber of such company requesting the same.

Transmission of bulletin to connecting company.

(2) The Board may by Order or regulation direct any telephone company to whose central exchange the daily weather forecast bulletin is delivered or transmitted as aforesaid, to transmit the contents of the same to any connecting company whose operators and agents shall thereupon in like manner as in the previous subsection receive, transcribe and file the same, and communicate its contents free of charge to any subscriber of such last-mentioned company requesting the same. *New.*

Returns to the Board.

Furnishing returns, etc.

100. Every company shall, on or before the thirty-first day of January in each year, or at such other time as the Board may specify, furnish to the Board in such form as it shall prescribe such statements, reports and returns respecting the cost, receipts, expenditures, operation, management and equipment of such system as the Board may require. R.S.O. c. 188, s. 27. *Amended.*

Penalty for default in making returns.

101. If default is made in complying with the requirements of the foregoing section, every Director, Commissioner, Manager, Secretary or other officer of the Company who is knowingly a party to the default, shall incur a penalty not exceeding

exceeding \$50 for every day during which the default continues, and such penalty shall be recoverable under *The Ontario Summary Convictions Act*, or may be enforced by Order of the Board. R.S.O., c. 188, s. 27. *Amended.*

PART VI.

POWERS OF THE BOARD.

102. The Board shall superintend the carrying out of this Act and, for that purpose, shall have and may exercise all necessary powers and authority over and in respect of any person, company, municipal corporation or Board of Commissioners. R.S.O. c. 188, s. 22. *Amended.*

Super-
visory juris-
diction of
the Board.

103. The Board shall have exclusive jurisdiction to hear and determine any differences which may arise between two or more municipal corporations in respect of the establishment, extension, operation and maintenance of a telephone system or in respect of any act, matter or thing required to be done by them or any of them under this Act, and the determination of the Board upon the same shall be final and binding upon all parties. *New.*

Board's ex-
clusive
jurisdiction
to deter-
mine dis-
putes be-
tween muni-
cipalities.

104. The Board may, upon request and on such terms as seem expedient, assist by advice any company, municipal corporation, the Commissioners for any system and resident assessed landowners as to the establishment, extension, maintenance and operation of any system or works authorized by this Act and the proceedings incidental thereto. R.S.O. c. 188, s. 22. *Amended.*

Board may
advise
companies,
etc.

105.—(1) The Board, whenever it appears to be expedient or necessary for the purpose of carrying into effect any of the provisions of this Act, may direct any person to examine and report upon the construction, operation or management of any telephone system, or upon any application, complaint or dispute before the Board or upon any matter or thing over which the Board has jurisdiction and for that purpose such person shall have authority at all reasonable hours to enter any building, office, or other premises belonging to or connected with any such system and to examine and check all books, accounts, tariffs, rates, balance-sheets and other papers, records and documents relating to such system and to examine the switchboards, instruments, toll stations and all other property of whatsoever nature which belongs to or forms a part of such system, and the Board may make such orders in regard to the construction.

Examina-
tion of and
report upon
telephone
system.

tion, reconstruction, repair, operation or maintenance of any telephone system which it may deem expedient or necessary in the public interest. R.S.O. c. 188, s. 26 (5). *Amended.*

Powers of
examiner.
Rev. Stat.
c. 186.

(2) The person appointed to make such enquiry and report shall have and may exercise all the powers set out in section 53 of *The Ontario Railway and Municipal Board Act*. *New.*

Adoption of
report by
Board.

(3) Upon receiving the report of such person appointed to make enquiry and report, the Board may adopt such report in whole or in part and may thereupon make an Order upon and in respect of the subject matter of the same. *New.*

General
powers
of Board,
practice
and
procedure.

106. The provisions of *The Ontario Railway and Municipal Board Act*, with respect to the jurisdiction and powers of the Board, and as to practice and procedure, shall apply *mutatis mutandis* to the exercise of the jurisdiction conferred on the Board by this Act, and the decision of the Board on any question of fact shall be final. R.S.O. c. 188, s. 37.

Rev. Stat.
c. 186.

Powers of
Board to
hear
complaints.

107. The Board shall have jurisdiction to inquire into, hear and determine any application by or on behalf of any person interested,

Rev. Stat.
c. 186.

(a) complaining that any company has failed to do any act, matter or thing required to be done by the company under *The Ontario Railway Act*, this Act, any general or special Act, or by any regulation or Order made thereunder by the Lieutenant-Governor in Council, the Board, or any other authority, or that any company has done or is doing anything contrary to or in violation of such Acts, or any of them, or any such regulation or Order;

(b) complaining that any company is charging tolls in excess of those approved by the Board;

(c) requesting the Board to make any Order, or give any direction, sanction or approval which by law it is authorized to make or give. R.S.O. c. 188, s. 23. *Amended.*

Powers of
Board
exercise-
able on its
own
motion.

108. The Board of its own motion may order any person, company or municipality to do forthwith or within any specified time, and in any manner prescribed by the Board, anything which such person, company or municipality is or may be required to do under the said Acts or regulations, or any of them, and may forbid the doing or continuing of anything which is contrary to the same or any of them. R.S.O. c. 188, s. 24. *Amended.*

109. The Board may approve of forms of by-laws, notices and other proceedings to be passed, given, or taken under and in carrying out the provisions of this Act, and every by-law, notice or other proceeding, which is in substantial conformity with the form so approved, shall not be open to objection on the ground that it is not in accordance with the provisions of this Act applicable thereto, but the use of such forms shall not be obligatory. 5 Geo. V, c. 33, s. 22. *Amended.*

Board may approve of forms, etc.

110. The Board may prescribe the forms of accounts, books of account and records to be kept by companies subject to the provisions of this Act. R.S.O. c. 188, s. 26 (4). *Amended.*

Forms of accounts may be prescribed.

111. The Board may make regulations for the enforcement and carrying into effect of this Act, and may prescribe penalties where not otherwise provided for the breach of any of the provisions of this Act or of the said regulations, but no penalty shall, in respect of any breach, exceed \$100, nor shall the imposition of any such penalty affect any other obligation or liability of a company. R.S.O. c. 188, s. 30; 5 Geo. V, c. 33, s. 18. *Amended.*

The Board may make regulations.

112. Notwithstanding anything in any Act contained, whenever any company has failed to do any act, matter or thing required by *The Ontario Companies Act*, the Board may inquire into the causes and extent of such failure, and if, in the opinion of the Board, such failure has been due to inadvertence, error or mistake, the Board may order such company to do such acts, matters or things, as the Board may consider to be expedient or necessary in the premises, and, upon such company complying with such Order, the Board may recommend to the Lieutenant-Governor in Council that Supplementary Letters Patent, Order in Council, or Certificate embodying such provisions as may be deemed expedient or necessary be issued to such company, and thereupon the Lieutenant-Governor in Council may issue such Supplementary Letters Patent, Order in Council or Certificate. 4 Geo. V, c. 32, s. 19.

Breaches of "The Ontario Companies Act" cured.

113. After such Supplementary Letters Patent, Order in Council, or Certificate have or has been issued, such company shall be deemed to have performed *nunc pro tunc* such act, matter or thing required to be done by *The Ontario Companies Act* as fully and effectively as if such failure had not occurred, and all agreements, contracts and obligations made or entered into by or with the company shall be legal, valid and binding to the same extent as they would have been if such inadvertence, error or mistake had not been made. 4 Geo. V, c. 32, s. 19. *Amended.*

Validation of acts of the Company.

PART VII.

REPEAL.

114. The following Acts are hereby repealed:

Chapter 188 of The Revised Statutes of Ontario, 1914;

Chapter 32 of the Acts passed in the 4th year of the
reign of His Majesty King George V;

Chapter 33 of the Acts passed in the 5th year of the
said reign;

Chapter 38 of the Acts passed in the 6th year of the
said reign;

Chapter 40 of the Acts passed in the 7th year of the
said reign.

CHAPTER 32.

The Municipal Amendment Act, 1918.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 21 of *The Municipal Act* is amended by adding at the end thereof the following words: Rev. Stat. c. 192, s. 21 (1), amended.
 "Provided, however, that should the terms and conditions agreed upon not meet with the approval of the Board, the petitioners or the city or town may withdraw from the proposed annexation."

2. Subsection 1 of section 31 of *The Municipal Act*, as amended by section 5 of *The Municipal Amendment Act, 1915*, is repealed and the following substituted therefor: Rev. Stat. c. 192, s. 31 (1), repealed

31.—(1) Where a new corporation is constituted under this Act the incorporation shall take effect on the 31st day of December next after the proclamation, Order of the Municipal Board, or by-law by which it is effected, or on such other day as the functionary or body by which such incorporation is effected may fix, and the functionary or body by which the new corporation is constituted may, and where necessary shall, fix the dates and the place or places for holding the first nomination meeting and election, appoint a returning officer and otherwise provide for the holding of the election according to law. Date when Incorporation to take effect.

3. *The Municipal Act* is amended by adding the following as section 53a: Rev. Stat. c. 192, amended.

53a.—(1) To remove doubts it is declared that the words "officer," "employee," or "servant" in clause *e* of subsection 1 of section 53 of this Act, shall be deemed to include a commissioner or a

member

member of any commission or other body, appointed by the council of a municipal corporation, and except where otherwise expressly provided, no such commissioner or member shall be eligible to be elected a member of the council or be entitled to sit or vote therein.

- (2) Subsection 1 shall have effect notwithstanding that the establishment of any such commission or other body is authorized by a special Act of the Legislature.

Rev. Stat.,
c. 192,
s. 288 (1),
amended.

4. Subsection 1 of section 288 of *The Municipal Act* is amended by adding thereto the following as clause (d):

Approval
of Board
of Health,
Rev. Stat.,
c. 218.

- (d) The approval of the Provincial Board of Health for Ontario as required by subsection 2 of section 95 of *The Public Health Act*, if the by-law be for raising money for any of the purposes mentioned in sections 89 and 94 of that Act.

Rev. Stat.,
c. 192, s. 381,
repealed.

5. Section 381 of *The Municipal Act* is hereby repealed and the following substituted therefor:

Insurable
interests
of corpora-
tions in
court house
and gaol.

381. The corporation of a county, city, or separated town, shall have, respectively, from time to time, insurable interests in the county court house and gaol in the proportions of the aggregate amounts which they shall have contributed, respectively, to the costs, charges and expenses of erecting, enlarging, improving and repairing said buildings, and in the contents and furniture of the county court house and gaol in the proportions of the aggregate amounts which they shall have contributed, respectively, to the costs, charges and expenses of providing said contents and furniture.

Rev. Stat.,
c. 192, s. 400,
par. 5
repealed.

6. Paragraph 5 of section 400 of *The Municipal Act* is repealed, and the following paragraph substituted therefor:

Stands for
vehicles.

5. For authorizing and assigning stands on the highways and in public places for motor vehicles not kept for hire, and for motor vehicles and other vehicles kept for hire, and regulating the use of the said stands, and for authorizing the erection and maintenance of covered stands or booths on the highways and in public places for the protection or shelter of the drivers of such motor vehicles

vehicles and other vehicles kept for hire; but no such covered stand or booth shall be placed upon the sidewalk without the consent of the owner and occupant of the adjoining land.

7. Paragraph 49 of section 400 of *The Municipal Act* is amended by inserting after the word "animals" in the fifth line thereof the words "during the whole or any part of the day or night." Rev. Stat.
c. 192, s. 400,
par. 49
amended.

8.—(1) Section 401 of *The Municipal Act* is amended by adding thereto the following paragraphs: Rev. Stat.
c. 192, s. 401,
amended.

11. For purchasing, leasing, erecting, maintaining and operating weighing machines and weigh-houses, for appointing weighmasters and for prescribing their duties, Purchasing
weighing
machines,
etc.

12. For imposing, levying and collecting fees for the use of such weighing machines, not being contrary to the limitations prescribed by subsection 8 of section 402. Fees.

13. With the approval of the Municipal Board, and within the limitations and restrictions, and under the conditions prescribed by Order of the Board for requiring all persons who shall, after a sale thereof, deliver coal or coke within the municipality, by a vehicle, from any coal yard, storehouse, coal-chute, gas house or other place: Weighing
of coal
and coke.

(a) To have the weight of such vehicle and of such coal or coke ascertained prior to delivery, by a weighing machine established as provided by paragraph 11.

(b) To furnish the weighmaster in charge of such weighing machine, and to surrender to each purchaser, at the time of delivery, a weigh-ticket, upon which has been printed or written the name and address of the vendor, and the name of the purchaser, and to have such weigh-ticket dated and signed by such weighmaster, and to have him enter thereon the weight of such coal or coke.

14. Nothing contained in the next preceding paragraph shall authorize a municipality to require the weighing of coal or coke sold in car lots at shippers' weights. Car lots.

Measure-
ment of
wood
sold on
market.

15. For requiring all persons offering, or exposing cordwood or firewood for sale upon the market, loaded in or upon any vehicle:

- (a) To have such wood measured by a market inspector or by some other official of the municipality appointed for that purpose, who shall mark such measurement in a conspicuous place upon the load or vehicle, before the wood is offered for sale;
- (b) To procure from such inspector or official a measurement ticket signed and dated by him, upon which he has entered the quantity of cordwood or firewood loaded in or upon such vehicle, and the name and address of the vendor;
- (c) To surrender such measurement ticket to the purchaser at or before the time of delivery;
- (d) To pay such fee for measuring as may be imposed, not exceeding that prescribed by subsection 8 of section 402.

Measure-
ment of
wood
sold off
market.

16. For requiring all persons who shall, after a sale thereof, except upon the market, deliver cordwood or firewood within the municipality, by a vehicle, to surrender to the purchaser thereof, when making delivery, a ticket signed by, or on behalf of, such person, upon which shall be legibly written or printed his name and address, the quantity of wood delivered from such vehicle, expressed in terms of a cord of 128 cubic feet, and the price at which the same has been sold.

Kindling,
etc.

17. No by-law shall require kindling wood, mill waste, or mill cuttings to be measured.

Rev. Stat.
c. 192,
s. 402 (5),
amended.

- (2) Subsection 5 of section 402 of the said Act is amended by striking out the words, "or wood to be measured" in the second line thereof.

Rev. Stat.
c. 192,
s. 406a (4
Geo. V, c. 33,
s. 18)
amended.

9. Section 406a of *The Municipal Act* as enacted by section 13 of *The Municipal Amendment Act, 1914*, is amended by adding the following as paragraph 5:

5. For licensing, regulating and governing bailiffs, ^{Licensing, regulating, and governing bailiffs.} and for providing that each applicant for a license shall deposit with the issuer of licenses, with his application, such security or guarantee bond for such amount as may be required by the council of the municipality.

(a) For the purpose of this paragraph a bailiff shall mean "any person acting as agent for any other person under a warrant authorizing the seizure and sale of chattels, but shall not include a bailiff of any division court nor any sheriff or his agent, nor any officer of any court of record."

- 10.** Section 409 of *The Municipal Act* is amended by ^{Rev. Stat. c. 192, s. 409 amended.} adding the following thereto as paragraph 2e:

2e. Paragraph 2 of this section shall also apply to ware- ^{Location of warehouses, gasoline stations, etc.} houses and gasoline and oil filling stations, but this paragraph shall not apply to a building or station which was on the 1st day of April, 1918, erected or used for any of such purposes, so long as it is used as it was used on that day.

- 11.** Paragraph 1 of section 410 of *The Municipal Act* is ^{Rev. Stat. c. 192, s. 410 amended.} amended by adding the following as clause (b):

(b) To remove doubts it is declared that paragraph 1 applies to garages whether motor vehicles are kept therein for hire or gain or not, but does not apply to a garage where space for not more than two motor vehicles is rented or to a garage which is for the sole and exclusive use of the owner or occupant of the land.

- 12.** Section 417 of *The Municipal Act* is amended by ^{Rev. Stat. c. 192, s. 417 amended.} adding thereto the following as paragraph 6:

6. For licensing, regulating and controlling all places ^{Licensing, regulating, etc., sale of cakes, candies, etc.} where cakes, pastry and candies are made for sale or are sold.

(a) The license fee shall not exceed the sum of \$1 for one year.

- 13.** Paragraph 1 of section 419 of *The Municipal Act* is ^{Rev. Stat. c. 192, s. 419, par. 1 repealed.} repealed and the following substituted therefor:

Regulating
sale of
meat.

1. For regulating the storage, handling and sale of fresh meats and prescribing the equipment and appliances necessary to conduct such business under sanitary conditions, and for granting annually or oftener licenses for the sale of fresh meat in quantities less than by the quarter carcass, and fixing and regulating the places where such sale shall be allowed, and for prohibiting the sale of fresh meat in less quantities than the quarter carcass unless by a licensed person and in a place authorized by the council.

(a) The power conferred by paragraph 1 shall not be affected or restricted by anything in section 402.

(b) Nothing in paragraph 1 shall affect the powers conferred by paragraphs 3 and 4 of section 401.

(c) The fee to be paid for the license shall not exceed \$50 in a city and \$25 in a town or village.

Rev. Stat.
c. 192
s. 491,
amended.

14. Section 491 of *The Municipal Act* is amended by inserting the following as paragraph 5:

Traffic
signs.

5. To provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic; provided that no by-law shall authorize the placing of such signs upon that portion of any highway which lies between the double tracks of a street railway constructed upon such highway known as the devil strip.

Rev. Stat.
c. 192,
form 9,
amended.

15. Form 9 to *The Municipal Act*, being the oath to be administered to a voter, is hereby amended by striking out paragraph 4.

CHAPTER 33.

An Act to enable Railway Employees to Vote at
Municipal Elections before Polling Day.*Assented to 26th March, 1918.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Railway Employees' Voting Act, 1918.* Short title.

2. This Act shall apply to any municipality the council of which passes a by-law declaring that it shall apply, and any such by-law shall be in force from year to year until repealed. Application of Act.

3. This Act shall apply only to railway employees whose employment is such as to necessitate their absence from time to time from the municipality, who are entitled to vote at municipal elections and who have reason to believe that they will be absent from the municipality on the day fixed for holding the poll at the annual municipal elections. Application of Act.

4. For the purpose of enabling every such person to vote at the annual municipal elections a poll shall be held and open from nine o'clock in the morning until five o'clock in the afternoon for the three days, exclusive of Sunday, immediately preceding the day for holding the poll at the annual municipal election at the city, town or village hall or at some other place chosen by the clerk, and notice of the time and place of holding the poll shall be given by the clerk by publication in a newspaper for such time as may be thought proper by the council. Holding of poll.

5. Except as herein otherwise provided the provisions of *The Municipal Act* as to proceedings prior to the holding of a poll and at the poll and after the closing of the poll shall apply. Application of Rev. Stat., c. 192.

Ballot
box for
each
ward.

6. In a municipality where the election is by wards there shall be a separate ballot box for each ward.

Deputy
returning
officer.

7. In a municipality where the election is by general vote the clerk or some other person appointed by him shall act as Deputy Returning Officer, and in a municipality where the election is by wards the clerk may act as Deputy Returning Officer for one or more wards or may appoint one or more persons to act as deputy returning officers for one or more wards, and may also appoint as many poll clerks as there are deputy returning officers.

Declara-
tion.

8.—(1) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the Deputy Returning Officer to make the following declaration, which shall be kept by the Deputy Returning Officer with the other records of the poll:

I, _____, declare that I am at present employed by _____ railway company, and that I expect in the course of my employment to be absent from this municipality on the day for holding the poll at the annual municipal election.

Dated at

this _____ day of _____, 19 _____.

(Name of voter.)

Witness:

Deputy Returning Officer.

Penalty
for false
statement.

(2) Any person signing any such declaration knowing that the statements therein are false shall incur a penalty of not less than \$25 nor more than \$100.

Record
in poll
book.

(3) The poll clerk shall record in the poll book in the column headed "Remarks" after the name of each person who votes a note that he has signed the declaration above set out.

Qualifica-
tion to
vote.

9. No person shall be entitled to vote unless his name appears on the last revised voters' list for the municipality.

Oath.

10. The Deputy Returning Officer and every candidate or his agent may require that the voter, before being handed a ballot, take the oath to be administered to a voter under *The Municipal Act*.

Fixing
of seals.

11. At the close of the poll each day the Deputy Returning Officer and any candidate or agent present who desires to do so shall affix his seal to the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking such seals.

12. On the day fixed for holding the poll at the annual municipal elections the Deputy Returning Officer at the polling place, in the presence of such candidates and their agents as may be present, shall at the hour fixed for the closing of the poll open the ballot boxes, count the votes and perform all the other duties required of a Deputy Returning Officer by *The Municipal Act* at the annual municipal elections.

Counting
of votes.

CHAPTER 34.

An Act to amend The Act to Authorize and Confirm Grants by Municipal Corporations for Patriotic Purposes.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

5 Geo. V.
c. 37, s. 1
(1), amended.

1. Subsection 1 of section 1 of *The Act to Authorize and Confirm Grants by Municipal Corporations for Patriotic Purposes* is amended by adding the following clause after clause (bb), as enacted by section 3 of the Act passed in the 7th year of His Majesty's reign chaptered 41.

(bbb) The Navy League.

5 Geo. V.
c. 37, s. 1
(1) amended.

2. Clause (m) of subsection 1 of section 1 of the said first mentioned Act, as enacted by section 4 of the said Act, passed in the 7th year of His Majesty's reign, is amended by adding after the word "enlistment" where it occurs in said clause, the words:

"And of British reservists who were residents of the municipality six months prior to their rejoining the British forces."

5 Geo. V.
c. 37, s. 1,
ss. 1,
amended.

3. Subsection 1 of section 1 of *The Act to Authorize and Confirm Grants by Municipal Corporations for Patriotic Purposes*, is amended by adding after clause n as enacted by section 5 of the said Act, passed in the 7th year of His Majesty's reign, the following as clause o:

Y.M.C.A.

(o) The National Council of The Young Men's Christian Association of Canada for the purpose of the special work being carried on by it in furnishing and supplying accommodation, comforts, food and drink and entertainment to officers

cers and men while on active service during the present war with the naval or military forces of the British Empire and Great Britain's allies.

4. Subsection 2 of section 1 of *The Act to Authorize and Confirm Grants by Municipal Corporations for Patriotic Purposes* is amended by adding the following clause:

<sup>5 Geo. V.
c. 37,
s. 1 (2),
amended.</sup>

(e) To cover the cost of aeroplanes given to the Imperial Army Council. ^{Aeroplanes.}

5.—(1) *The Act to Authorize and Confirm Grants by Municipal Corporations for Patriotic Purposes* is amended by adding thereto the following section 6a:

<sup>5 Geo. V.
c. 37,
amended.</sup>

6a.—(1) Where insurance has been effected pursuant to the provisions of section 1 by any municipal corporation any policy issued to the corporation whether the same is made payable to the municipal corporation or to the treasurer of the corporation or otherwise, howsoever, may notwithstanding the time for which the premium on the said policy has been paid has not expired, be assigned by the municipal corporation to the insured on such terms as may be agreed upon, and the insured shall thereupon have the same rights as to transferring the said policy, designating beneficiaries thereunder and otherwise dealing therewith as though the policy had originally been issued to the insured and made payable to his estate. <sup>Assignment
of policy by
corporation
insured.</sup>

(2) The provisions of subsection 1 shall take effect and be deemed to have been in force as from the eighth day of April, 1915. <sup>When
to come
into force.</sup>

CHAPTER 35.

An Act to amend the Statute Labour Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.
c. 196,
6 Geo. V,
c. 42, s. 1,
7 Geo. V,
c. 46, s. 1
amended.

1.—(1) Section 4 of *The Statute Labour Act*, as amended by 6 Geo. V, chapter 42, section 1, and as further amended by 7 Geo. V, chapter 46, section 1, is further amended by adding the following as subsections 2 and 3:

Payment
by employer
out of
wages.

(2) Where any such male inhabitant has been employed by the same person for not less than thirty days such employer shall pay over to the collector on demand out of any wages due to such employee the amount of such tax and such payment shall relieve the employer from any liability to the employee for the amount so paid.

Township
by-law.

(3) The provisions of this section shall apply to and be in force in any township the council of which passes a by-law for that purpose.

Rev. Stat.
c. 196, s. 5,
amended.

2. Section 5 of *The Statute Labour Act* is amended by inserting after the word "township," in the second line, the words, "which has not passed a by-law under section 4."

Rev. Stat.
c. 196, s. 10,
amended.

3. Section 10 of *The Statute Labour Act* is amended by striking out the figures "\$1.50" in the second line and substituting the figures "\$3.00."

Rev. Stat.
c. 196, s. 11,
amended.

4. Section 11 of *The Statute Labour Act* is amended by striking out the figures "\$1.50" in the third line and substituting the figures "\$3.00."

Rev. Stat.
c. 196, s. 12,
amended.

5. Section 12 of *The Statute Labour Act* is amended by striking out the figure "\$1" in the third line and substituting the figures "\$2.00."

6. Subsection 2 of section 30 of *The Statute Labour Act* is amended by striking out the figures “\$1.25” in the second line and substituting therefor the figures “\$3.00.” Rev. Stat. c. 196, s. 30 (2), amended.

7. Section 31 of *The Statute Labour Act* is amended by striking out the words “at the rate of \$1.50 per day” in the second and third lines and substituting therefor the words “at a rate not exceeding \$3.00 per day as may be fixed by resolution of the commissioners.” Rev. Stat. c. 196, s. 31, amended.

8. Section 33 of *The Statute Labour Act* is amended by striking out the figures “\$1.50” in the sixth line and substituting therefor the words “the amount of the commutation money as fixed by the commissioners under section 31.” Rev. Stat. c. 196, s. 33, amended.

CHAPTER 36.

An Act to amend The Highway Travel Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 206,
amended.

1. *The Highway Travel Act* is amended by adding the following as section 7a:

Bicycle
not to be
attached
to other
vehicle.

7a. No person while riding on a bicycle shall attach the bicycle to or take hold of any other vehicle for the purpose of being drawn along a highway.

Rev. Stat.,
c. 206,
amended.

2. *The Highway Travel Act* is amended by adding the following as section 9b:

Prohibition
as to
passing
street cars
on left-hand
side.

9b. No person in charge of a vehicle other than a motor vehicle or on horseback overtaking a street car or the car of an electric railway, operated in or near the centre of the travelled portion of the highway, which is stationary or in motion, shall pass on the left hand side of such car, having reference to the direction in which such car is travelling.

CHAPTER 37.

An Act to amend The Motor Vehicles Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Motor Vehicles Amend-* Short title.
ment Act, 1918.

2. *The Motor Vehicles Act* is amended by adding the fol- Rev. Stat.,
lowing as section 3a: c. 207,
amended.

3a. Where an owner changes his address as given under Notice of
subsection 2 of section 3 he shall forthwith send change of
by registered letter or cause to be filed in the address.
Department of Public Highways his change of
address and every subsequent change of address,
and on failure to do so shall incur a penalty not
exceeding \$10.

3. *The Motor Vehicles Act* is amended by adding the fol- Rev. Stat.,
lowing as section 4a: c. 207,
amended.

4a. Any person who knowingly makes any false state- Penalty
ment of fact in any application, declaration, affi- for false
davit or paper-writing required by this Act or statement.
by the regulations in order to procure the issue
to him of a license, permit or certificate of regis-
tration shall in addition to any other penalty or
punishment to which he may be liable in-
cur a penalty not exceeding \$50.

4. Subsection 2 of section 6 of *The Motor Vehicles Act* Rev. Stat.,
as enacted by section 3 of *The Motor Vehicles Amendment* c. 207,
Act, 1917, is repealed and the following substituted therefor: s. 6 (2),
amended.

(2) Whenever on a highway after dusk and before dawn, Lamps.
every motor vehicle shall carry three lighted
lamps in a conspicuous position, one on
each side of the front and one on the back of the
vehicle

vehicle except in the case of a motor bicycle without a side car, which shall carry one lamp on the front and one on the back of the vehicle. Any lamp so used shall be clearly visible at a distance of at least two hundred feet.

Rev. Stat.,
c. 207,
amended.

5. *The Motor Vehicles Act* is amended by adding the following as section 8a:

Markers
to be
property
of Crown.

8a. Every marker furnished by the Minister of Public Works and Highways under this Act shall be and remain the property of the Crown and shall be returned to the Department of Public Highways whenever required by the Department, and any person failing to so return the marker without reasonable excuse shall incur a penalty not exceeding \$10 and the Minister may also for such failure refuse to issue a license or permit to such person.

Rev. Stat.,
c. 207,
amended.

6. *The Motor Vehicles Act* is amended by adding the following as section 14a:

Depositing
glass, etc.,
on highway
prohibited.

14a. No person shall throw or deposit or knowingly leave on a highway any glass, nails, tacks, scraps of metal or other material which may be injurious to the tires of motor vehicles.

Rev. Stat.,
c. 207,
amended.

7. *The Motor Vehicles Act* is amended by adding the following as section 15a:

Prohibition
as to
passing
street car
on left.

15a. No person in charge of a motor vehicle overtaking a street car or the car of an electric railway, operated in or near the centre of the travelled portion of the highway, which is stationary or in motion, shall pass on the left-hand side of such car, having reference to the direction in which such car is travelling.

Rev. Stat.,
c. 207,
s. 19,
amended.

8. Section 19 of *The Motor Vehicles Act* as amended by section 14 of *The Motor Vehicles Amendment Act, 1917*, is further amended by adding at the end thereof the following words "and the driver of a motor vehicle not being the owner shall also be responsible for any such violation."

Rev. Stat.,
c. 207,
amended.
Power of
Minister
to prohibit
driving
by persons
convicted
of offences.

9. Section 21 of *The Motor Vehicles Act* as amended by 7 Geo. V, c. 49, s. 15, is further amended by adding at the end thereof the following words: "and the Minister may also for such misconduct or infraction prohibit any person from driving a motor vehicle for a period not exceeding two years and any such person who drives a motor vehicle during the prohibited period shall incur a penalty not exceeding \$500."

· 10.—(1) If any owner of a motor vehicle is served with a summons to appear in a county other than that in which he resides for an offence against *The Motor Vehicles Act*, and his defence is that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official marker, then and in that case only he may appear before a justice of the peace in the county in which he resides and in the same manner as if he were being tried for an offence against the said Act, give evidence by himself and corroborated by the evidence of at least two other credible witnesses that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official marker.

Provision
for taking
evidence of
defendant
in county
in which
he resides.

(2) The said justice, if satisfied of the truth of such evidence, shall forthwith make out a certificate in the form set out as Schedule "A" to this Act, and forward the same by registered letter post to the justice before whom the summons is returnable.

Certificate
of Justice.

(3) The costs of a justice for hearing such evidence and for giving such certificate shall be \$1.25, which shall be payable forthwith by the defendant.

Costs.

(4) The justice before whom the summons is returnable shall, upon receiving such certificate, thereupon dismiss the charge unless he has reason to believe that the testimony is untrue in whole or in part, in which case he may adjourn the case and again summon the defendant, who shall then be required to attend before him at the place and time mentioned in the summons.

Dismissal
of charge.

SCHEDULE "A."

Certificate of Justice referred to in Section 10.

I (name of Justice), a Justice of the Peace in and for the County of _____ hereby certify

1. That (name of defendant), of the _____ of _____ in the county of _____ (occupation), this day appeared before me and produced to me a summons issued by (name of Justice issuing summons), a Justice of the Peace in and for the county of _____, for an offence against *The Motor Vehicles Act*, said to have been committed with respect to a car bearing the official marker number _____ for this year, said offence being alleged to have been committed on the _____ of _____ in the county of _____ on the _____ day of _____.

2. That the said (name of defendant) has deposed before me that neither he nor his motor vehicle was at the said place on the said day of _____ 191____, and that the summons must have been issued against him through an error of the informant as to the number on the official marker, and his testimony in this respect has been corroborated by the testimony of two credible witnesses, namely (here insert the name of two witnesses).

3. The depositions of the said defendant and of the witnesses in paragraph two of this certificate referred to are attached hereto.

4. That I am satisfied of the truth of the testimony given before me this day by (name of defendant and two witnesses), and give this certificate in pursuance of subsection 2 of section 10 of *The Motor Vehicles Amendment Act, 1918*.

Dated at _____ this _____ day of _____

..... J.P.

Note.—(Attach depositions of defendant and witnesses to this certificate).

CHAPTER 38.

An Act respecting Surveys and Plans of Land in or near Urban Municipalities.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Planning and Development Act*. Short title.

2. In this Act,

Interpretation.

(a) "Urban Zone" shall, subject to the provisions of section 4, mean,

In the case of a city the area within five miles of said city, but exclusive of any part of another city;

In the case of a town the area within three miles of said town, but exclusive of any part of a city or other town;

In the case of a village the area within three miles of such village, exclusive of any part of a city or town or other village.

(b) Where part of a town or village is within the urban zone of a city, or part of a village is within the urban zone of a town, the whole of such town or village shall be deemed to be within the urban zone of such city or town, as the case may be;

(c) "Joint urban zone" shall mean an area included within the urban zones, as herein defined, of two or more municipalities; "Joint urban zone."

(d)

"Board."

(d) "Board" shall mean "Ontario Railway and Municipal Board."

Application of Act.

3. This Act shall apply to lands within cities, towns and villages and the urban zones as above defined surrounding the same.

Variation of urban zone.

4.—(1) Where any urban municipality desires to vary the urban zone surrounding it from that as above defined, it may file with the Board a plan certified by an Ontario land surveyor, shewing the area adjoining such municipality which it desires to include in its urban zone, and such plan may, with the approval of the Board, and notwithstanding the provisions of section 2 of this Act, include a greater or less area than those mentioned in section 2.

Alteration of plan.

(2) Such plan may, with the approval of the Board, be altered or amended from time to time, and the size, form or location of the area shown therein may, subject to such approval, be enlarged, reduced, changed or altered.

Service of notice of application to Board.

(3) Notice of every application to the Board for approval of such plan or any amendment of the same, together with a copy of every such plan, shall be served on every municipality within which, or within the urban zone of which, is situated any part of the area shown on any such plan.

Hearing.

(4) The Board shall hear any of such municipalities desiring to be heard and may approve any such plan or require the same to be changed, altered or amended before approving thereof.

What Board may consider.

(5) In giving consideration to such plans, the Board may have regard to making the urban and joint urban zones of adjoining or neighbouring municipalities conform to one another so far as desirable in the opinion of the Board.

Registration of plans.

(6) Upon the approval of any such plan by the Board, such urban municipality shall file the same in the proper registry or land titles office.

Plan approved to be urban zone.

(7) In the case of any municipality securing the approval of any such plan or amendment, the area shown thereon shall constitute the urban zone of such municipality, pro-

vided,

vided, however, that the whole or any part of such area may be included in a joint urban zone under this Act.

(8) A copy of such plan, and of any plan amending the same, as approved by the Board, shall be filed by the municipality propounding it with the clerk of the city, town or village, and with the clerk of any municipality within which is situate such urban zone or any part thereof, and also with the Board, and in the case of a joint urban zone a copy of said plan shall also be filed by the municipality propounding it with the clerk of each of the municipalities which such joint urban zone adjoins, and such plans shall be open to inspection without fee, by any person, at all reasonable times.

Filing of copies of plan with municipal clerks.

5.—(1) The council of a city, town or village may procure to be made for adoption by it a general plan of such city, town or village, and the urban zone adjoining it; or of such portion of the same as such council may deem expedient.

General plan of municipality and urban zone.

(2) Such plan shall show all existing highways and any widening, extension or relocation of the same which may be deemed advisable, and also all proposed highways, parkways, boulevards, parks, play grounds and other public grounds or public improvements, and shall be certified by an Ontario land surveyor.

What plan to show

(3) Such plan may, subject to the approval of the Board, be amended, changed or extended from time to time by the council as it may deem expedient.

Amendment.

(4) Such general plan, and any plan amending the same, shall be approved by the Board before being finally adopted by the council of such city, town or village, and upon the application to the Board for such approval the council of all municipalities concerned shall, after notice to them, be entitled to be heard by counsel or agent.

Approval of Board before adoption by counsel.

(5) Upon such application, the Board shall have power to order such changes to be made in such plan as it may deem necessary or proper.

Changes by Board.

(6) A copy of such general plan, and of any plan amending the same, as approved by the Board and adopted by the council, shall be filed by the municipality propounding it with the clerk of the city, town or village, and with the clerk of any municipality within which is situate such urban zone or any part thereof, and also with the Board, and in the case of a joint urban zone a copy of said plan shall also be filed by the municipality propounding it with the clerk of each of the urban municipalities which such joint urban

Filing of approved plan with municipal clerks.

urban zone adjoins, and such plans shall be open to inspection without fee, by any person at all reasonable times.

Registration.

(7) Upon the approval of any such plan by the Board, such urban municipality shall file the same in the proper registry or land titles office.

Approval of plans of survey and subdivision before registration.

6.—(1) No plan of survey and subdivision of land within a city, town or village shall be registered unless it has been approved by the council of such city, town or village, or by the Board.

(2) No plan of survey and subdivision of land within an urban zone or joint urban zone shall be registered unless it has been approved by the council of each municipality within which any part of such land is situate, and by the council of any city, town or village which such urban zone or joint urban zone adjoins, or by the Board.

(3) No plan of survey and subdivision of land abutting on a highway of a less width than 66 feet, or upon which there is laid out a street of a less width than 66 feet, shall be registered unless it has been approved by the proper municipal council or councils and by the Board.

(4) No lot laid down on a plan of survey and subdivision of land which has not been approved as in this section required, shall be sold or conveyed by a description referring to such plan or to the lot as laid down on such plan.

(5) This section shall apply to all plans of survey and subdivision of land not registered, whether such plans were made before or after the time of the passing of this Act.

Procedure for registration of plan of survey and subdivision.

7. Where any person is desirous of surveying and subdividing into lots, with a view to the registration of a plan of survey and subdivision, a tract of land situate in any city, town or village, or in any urban zone or joint urban zone, the following proceedings shall be had and taken:

(1) Such person shall submit a plan, certified by an Ontario land surveyor, of the proposed survey and subdivision to the council of such city, town or village, and also where the land is situate within an urban zone, to the council of each municipality within which any part of the land is situate;

(2) Where any part of such land is within a joint urban zone such plan shall also be submitted to the council of every municipality whose urban zone includes such land or any portion thereof;

(3)

- (3) The council of every municipality to which the plan is submitted shall, within four weeks from the date of the receipt thereof, approve the plan or notify in writing the person submitting the same and the Board of its reasons for not approving the same;
- (4) If such approval be not given within the time specified in subsection 3 of this section, the person submitting the plan may apply to the Board for its approval and every party and municipality interested shall be notified of the application by such person, and shall be entitled to be heard at the hearing of the application by the Board;
- (5) The Board, in determining such application, may approve or refuse to approve such plan, and shall have power to order such changes to be made in such plan as to the Board may seem necessary or proper.

8. In the consideration of such plan by the council of any municipality or by the Board, regard shall be had to the following matters:

Matters to be considered by the council or Board.

- (1) Where the land is situate in a city, town or village:
 - (a) The number and width of the highways;
 - (b) The size and form of the lots;
 - (c) Making the subdivision conform, as far as practicable, to any general plan adopted as aforesaid; or where no such general plan has been adopted, making it conform as far as practicable and desirable to the plan upon which the surrounding or adjacent lands and highways have been laid out;
 - (d) What other lands, if any, are related to the land in such plan within the meaning of section 9.
- (2) Where the land is situate within an urban zone:
 - (a) The proximity of the land to any city, town or village adjoining such urban zone;

(b)

- (b) The probability of the limits of such city, town or village being extended so as to include it;
- (c) The number and width of the highways shown in said plan, and the providing of adequate driveways and thoroughfares connecting such city, town or village with the urban zone;
- (d) Making the subdivision conform, as far as practicable, to such general plan adopted as aforesaid, or if no such general plan has been adopted, making it conform, as far as practicable and desirable, to the plan on which that part of the city, town or village nearest to the land is laid out;
- (e) The size and form of the lots;
- (f) What other lands, if any, are related to the land in such plan within the meaning of section 9.

Agreement
among
owners as to
subdivision
of lands
or plan.

9.—(1) Where the plan submitted is of land which is so related to other lands in the vicinity, whether owned by the same or different owners, that it is expedient that all such lands should be treated as one entire parcel for the purposes of subdivision under this Act, the owners of all such lands may be notified to attend before the council or before the Board, as the case may be, at the hearing of any application for the approval of such plan; and any agreement in writing or plan for the subdivision of such lands made or adopted by the owners of such lands, or any part of them, and approved by the councils of the municipalities concerned, or by the Board, as the case may be, shall be registered in the proper land titles office or in the registry office for the registration division in which such lands, or any of them, are situate, and thereafter no plan of subdivision of such lands, or of any part of them, shall be registered unless it is in accordance with such agreement or plan.

Alteration
of agree-
ment or
plan.

(2) Such agreement or plan may be altered from time to time by the parties thereto, or their representatives or successors in title, with the approval of the councils concerned, or of the Board, if the owners of all the lands embraced in the agreement or shown on the plan assent to such alteration.

Rights of
mortgagees.

(3) No such agreement or plan for the subdivision of lands shall be binding upon any prior mortgagee of such lands, or
of

of any part of them, except with the consent of such mortgagee.

10. Approval of a plan by a municipal council or by the Board shall be indicated by a certificate to that effect upon the plan, signed by the clerk or secretary respectively, and authenticated by the seal of the municipal corporation or Board, as the case may be, provided that such approval may be indicated by a certificate to that effect upon a plan certified by an Ontario land surveyor to be in exact conformity in every respect with the plan so approved, such certificate to be signed by the clerk of the municipal council or secretary of the Board, and authenticated by the seal of the municipal corporation or Board as the case may be.

Approval of council or Board—how given.

11.—(1) In the case of a tract of land within a city, town or village, or in an urban zone, which has not been subdivided according to a plan approved under this Act, no part of it which abuts upon a highway of a less width than 66 feet, or which is situate within a distance of 33 feet from the centre line of such highway, shall be severed from said tract and sold under a description by metes and bounds or otherwise without the approval of the Board, and no deed of conveyance or mortgage in fee of such part of said tract shall be registered without the approval of the Board, provided that this section shall not apply to sales of land according to a plan of survey and subdivision registered in the proper registry office prior to the coming into force of this Act, provided further that this section shall not apply in the case of a highway less than 66 feet in width heretofore or hereafter laid out in unorganized territory in accordance with the directions or regulations of the Department of Lands, Forests and Mines.

Restrictions on sale or mortgage by metes and bounds of lands abutting on highway less than 66 feet.

(2) Upon tender for registration of any deed or mortgage to which the provisions of subsection 1 may apply, and which has not been so approved by the Board, the registrar of the proper registry division or the proper master of titles may, before registering the same, require satisfactory proof by affidavit or otherwise, of the width of any highway abutting upon or near which are situated the lands described in such deed or mortgage.

12. Where any plan or agreement prepared or made under this Act provides for the widening, extension, relocation or other alteration, in whole or in part, of a highway under the jurisdiction of a county council, or highway commission, such plan or agreement shall not be adopted or approved by the council of any city, town or village, or by the Board, un-

Widening, etc. of highway under jurisdiction of county council or highway commission.

til such county council or highway commission, as the case may be, has had an opportunity of being heard by counsel or agent after due notice.

Appoint-
ment of
town
planning
commissions

13.—(1) The council of a city, town or village may appoint a commission, to be known as “The Town Planning Commission” of the city, town or village (as the case may be) of

How com-
posed.

(2) Such commission shall be a body corporate and shall consist of the head of the municipality and six persons, being ratepayers, appointed by the council.

Term of
office
of members.

(3) The members of such commission, except the head of the municipality, shall hold office for three years, or until their successors have been appointed; provided that on the first appointment of the members of such commission the council shall designate two of such members who shall hold office for one year, two who shall hold office for two years, and two who shall hold office for three years.

(4) Any member of the commission shall be eligible for reappointment.

Powers.

(5) The commission of any city, town or village, upon its appointment, shall have and exercise all the powers and discharge all the duties by this Act, vested in and exercisable by the council of such city, town or village.

Chairman.

(6) The commission shall elect a chairman who shall preside at all meetings of the commission.

Quorum.

(7) Four of the members of the commission present at any meeting shall constitute a quorum.

Duties of
municipal
officers.

(8) The clerk, engineer, and other officers of the city, town or village shall, at the request of the commission, do and perform all such duties under this Act, as they, or any of them, would do and perform for the council of such city, town or village in the like case, if such commission had not been appointed.

Expenses.

(9) The treasurer of such city, town or village shall pay all expenses incurred by the commission under this Act, upon presentation of accounts for the same certified by the chairman.

Practice
and pro-
cedure.

14. The rules of practice and procedure adopted by the Board shall apply to applications under this Act, and all persons

persons and municipal corporations shall be entitled to be heard, and may be represented by counsel or agent at the hearing.

15. *The Planning and Development Act*, being chapter ^{7 Geo. V.,}
44 of the Acts passed in the seventh year of the reign of His ^{c. 44 re-}pealed,
Majesty King George V, is hereby repealed.

CHAPTER 39.

An Act respecting the Cultivation of Vacant Land.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Vacant Land Cultivation Act*.

2. The councils of cities, towns and villages may pass by-laws;

Power
to enter
on and
cultivate
vacant
land.

1. For entering upon, holding and using for the purpose only of cultivating it and raising thereon such crops as may be thought proper, any vacant land in the municipality during the continuance of the present war and for selling and disposing of the produce thereof;

Issue of
permits.

2. For granting permits to any person to enter upon, hold and use for the purpose only of cultivating it and raising thereon such crops as may be prescribed any such vacant land for such period not exceeding the duration of the present war as may be thought proper, and for regulating and controlling the use of such land by any person to whom a permit is granted, and for prescribing the kinds of crops which shall be raised on any such land, and for revoking any such permit for failure to comply with the terms and conditions of the by-law or of the regulations.

Notice
to owner.

(a) Before entering upon or issuing a permit with respect to any parcel of land notice of the intention of the council to enter upon or issue a permit and fixing a day for hearing any objections which he may desire to make shall be left with the owner or transmitted to him by post to the address of his residence or place of business in the municipality if he resides or has a place of business there, and if he is not resident in the municipality then by post to his address, if known;

(b)

- (b) The council shall not enter upon or issue a permit with respect to any parcel of land if the owner of it produces proof to the satisfaction of the council that it will be required by him during the current year for building or manufacturing or other revenue-producing purposes;
- (c) A fee not exceeding twenty-five cents may be charged for the issue of the permit;
- (d) No compensation shall be paid to any owner or other person interested in such land for or on account of the exercise of the powers conferred by this section.

CHAPTER 40.

An Act to amend The Ontario Temperance Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Ontario Temperance Amendment Act, 1918*.

6 Geo. V,
c. 50, s. 2,
amended.

2. Section 2 of *The Ontario Temperance Act* is amended by adding the following paragraph to clause *i* thereof:

Definition
of private
dwelling-
house in
apartment
block.

(iii) The words "apartment block" used in paragraph (ii) shall include a building commonly designated as "apartment house" and complying with the requirements in said paragraph set out, but the use of the ground floor or some part thereof of such building for business purposes shall not be deemed to affect the character of such building as an apartment house provided there is no internal communication by stairway or otherwise between the portion used for business purposes and any other part of the building above the ground floor.

6 Geo. V,
c. 50, s. 2,
amended.

Definition
of "private
dwelling
house."

3. The clause lettered *i* in section 2 of *The Ontario Temperance Act* is further amended by inserting after the words "private dwelling house" in the second line of subdivision *i* the words "but subject to the proviso hereinafter mentioned," and by adding at the end of said subdivision the following: "Provided, however, that where the office, shop or place of business mentioned in this subdivision is on the ground floor of any building which above the ground floor is used exclusively for living apartments having no internal communication with the ground floor, such apartments, if

the same contain facilities for cooking and a family actually residing, cooking, sleeping and taking their meals there, shall be regarded as a private dwelling house."

4. Section 55a of *The Ontario Temperance Act* as ^{7 Geo. V,} enacted by section 20 of *The Ontario Temperance Amend-* ^{c. 50, s. 20,} *ment Act, 1917*, is amended by adding thereto the following subsections:

5a. Irrespective of any provisions relating to appeals, ^{Setting} any order made by a justice of the peace under ^{aside} subsection 2 of this section 55a and any notice ^{order for-} given by an inspector under subsection 3 thereof ^{bidding} may be set aside by the judge of the county or ^{sale to} district court of the county or district in which ^{inebriate.} the person affected by such order or notice resides, at any time after the expiration of six months from the date of such order or notice upon any ground which such judge may think sufficient.

5b. The person desiring to make the application to set ^{Appoint-} aside the order or notice mentioned in the pre- ^{ment and} ceding subsection shall obtain from the judge an ^{notice of} appointment stating the time and place at which ^{hearing.} such application will be heard and a copy of such appointment shall be served upon all parties interested at least ten days before the date of hearing and any such party, as well as the applicant, may give evidence upon oath touching the matter in question, and in the event of any such order or notice being set aside, a copy of the judgment shall be served upon all parties affected thereby.

5. The said section 55a is further amended by adding ^{7 Geo. V,} thereto the following subsection: ^{c. 50, s. 20,} ^{amended.}

(13) The private dwelling house in which any person ^{Dwelling-} resides who has been served with an order of ^{house in} prohibition issued by a justice of the peace under ^{which in-} subsection 2 of this section 55a or with a notice ^{hibited} in writing signed by an inspector under sub- ^{person re-} section 3 of this section shall during the time ^{sides not} such order or notice is in force be deemed to ^{to be} have ceased to be a private dwelling house ^{a private} within ^{dwelling-} the meaning of this Act. ^{house.}

7 Geo. V,
c. 50, s. 20,
amended.

Extent of
prohibition
to inebriate.

6. Subsections 1 and 2 of the said section 55a are amended by adding at the end of subsections 1 and 2, respectively, the words "or from purchasing or procuring or attempting to purchase or procure liquor."

7 Geo. V,
c. 50, s. 20,
amended.

Form of
notice by
inspector to
inhibited
person.

7. The said section 55a of *The Ontario Temperance Act* is further amended by adding to the form of notice to be given by an inspector under said section immediately after the word "whomsoever" in the third and fourth lines the words "or to have liquor in your possession," and by substituting the word "of" for the word "to" in the last line of the form of notice to be given to a railway or express company.

7 Geo. V,
c. 50, s. 20,
amended.

Penalties.

8. Subsection 10 of the said section 55a of *The Ontario Temperance Act* is amended by adding at the end thereof the words "and shall incur the penalties provided by section 58 thereof."

7 Geo. V,
c. 50, s. 46,
amended.

9. Section 46 of *The Ontario Temperance Amendment Act, 1917*, is amended by striking out the last word "and" and substituting therefor the word "or."

6 Geo. V,
c. 50,
amended.

10. *The Ontario Temperance Act* is amended by adding thereto the following section:

Entry of
deferred
delivery
sales in
books of
dealer.

48a. In every case in which for the purpose of evidence a sale of liquor made in Ontario is required by section 48 to be entered in a book to be kept for that purpose, the liquor so sold and entered is not immediately delivered to the purchaser thereof a further entry shall be made in the book so kept shewing that the said liquor is held for future delivery, or as the case may be, and whenever the said liquor or any part thereof is delivered an entry shall immediately be made in the aforesaid book shewing the date of such delivery, the kind and quantity delivered, the name and address of the person to whom such delivery was made and where the same is delivered to a carrier, the name and address of such carrier shall be entered and the provisions of paragraph (a) of said section 48 shall apply to the entry and record required to be kept by this section and non-compliance therewith shall be an offence against *The Ontario Temperance Act*.

11. Subsection 1 of section 51 of *The Ontario Temperance Act* is amended by adding after clause (a) thereof the following clauses: 6 Geo. V,
c. 50, s. 51,
amended.

(b) Every prescription issued under the authority of this section shall contain a certificate that the quantity of liquor therein mentioned is the minimum quantity necessary for the patient for whom it is ordered. Sale of
liquor in
this section
shall contain
a certificate
that the
quantity of
liquor therein
mentioned
is the mini-
mum quantity
necessary for
the patient
for whom
it is ordered.

(c) Any violation of this section shall be an offence against this Act. Offence.

12. *The Ontario Temperance Act* is amended by adding thereto the following section:

51a. Every duly qualified medical practitioner actually engaged in the practice of his profession may, notwithstanding anything in *The Ontario Temperance Act*, have in his possession ten gallons of liquor and such liquor may be kept in the private dwelling house of such practitioner or in his office or dispensary.

13. Section 52 of *The Ontario Temperance Amendment Act, 1917*, is amended by striking out the words "in the meantime" in the third line of subsection 6 thereof and substituting therefor the words "during the said period." 7 Geo. V,
c. 50, s. 52,
amended.

14. Section 55 of *The Ontario Temperance Act* is amended by adding thereto the following subsection: 6 Geo. V,
c. 50, s. 55,
amended.

(4) Any such intoxicated person and any person found committing the offence of selling, giving or drinking liquor upon a street, highway or in any public place may be arrested without a warrant. Arrests
without
warrant.

15. Section 65 of *The Ontario Temperance Act* is amended by adding at the end thereof the following words: "or by any officer appointed by the council of a municipality under section 120 and the council appointing such officer shall be responsible for the payment of the proper fees of the Crown Attorney when so employed by such officer." 6 Geo. V,
c. 50, s. 65,
amended.

Duties of
officers.

16.—(1) Section 70 of *The Ontario Temperance Act* is amended by adding thereto the following subsection: 6 Geo. V,
c. 50, s. 70,
amended.

Accepting
delivery
of liquor
unlawfully.

- (10) Any person other than the actual consignee or his duly authorized agent who obtains or accepts delivery of any liquor from any railway or express company, or other common carrier within this province, shall be guilty of an offence against this Act, and any liquor so delivered may be seized wherever the same is found and forfeited to His Majesty in the same way as liquor seized in transit under subsection 1 of this section, and the same procedure shall apply.

6 Geo. V,
c. 50,
amended.

- (2) *The Ontario Temperance Act* is amended by adding thereto the following section:

Proclama-
tion pro-
hibiting
possession
in pre-
scribed area.

- 70a. In any case of emergency the Lieutenant-Governor in Council may issue a proclamation forbidding any person to have liquor in his possession except under a special permit within the area mentioned in such proclamation and authorizing within such area the seizure without other warrant or authority and detention for such time as may be authorized of any liquor within such area. The proclamation to remain in force for such period as may be therein determined. The special permit herein referred to may be issued by such person as may be appointed for that purpose by the Lieutenant-Governor in Council.

6 Geo. V,
c. 50, s. 92,
amended.

- 17.** Subsection 2 of section 92 of *The Ontario Temperance Act* is amended by adding at the end thereof the following words:

Procedure
on appeals.

- (a) In case of an appeal under this subsection the proceedings to be taken and the powers of the judge shall, *mutatis mutandis*, be the same as in the case of an appeal against an order of dismissal as provided in subsections 7 and 8 of this section.

- (b) The term "Judge" used in subsection 2 of section 92 shall include the junior or deputy judge of the court referred to in said section.

6 Geo. V,
c. 50,
s. 92, ss. 6,
amended.
Appeals
from
dismissals.

- 18.** Subsection 6 of section 92 of *The Ontario Temperance Act* is amended by adding after the word "behalf" in the seventh line the words "or by any constable."

6 Geo. V,
c. 50,
amended.

- 19.** *The Ontario Temperance Act* is amended by adding thereto the following section:

- 102a. If it appears to the court or judge that the magistrate before whom any complaint or other proceeding under this Act was heard or taken refused to receive evidence which might have been material, the court or judge may remit the same to the magistrate with directions to rehear the case, and with such other directions as the court or judge may think proper and the magistrate shall rehear the complaint accordingly, but no conviction shall be quashed or set aside on the ground that some evidence was improperly admitted or rejected, or some irregularity occurred at the hearing, unless, in the opinion of the court or judge, some substantial wrong was thereby occasioned.
- Remitting case for rehearing on ground of exclusion of evidence.

20. Section 105 of *The Ontario Temperance Act* is amended by adding at the end thereof the following words "and in case of liquor being forfeited under section 70 or otherwise a report of the same shall immediately be sent to the Board with full particulars by the magistrate or justice of the peace ordering such forfeiture."

6 Geo. V., c. 50, s. 105, amended.
Report on liquor forfeited.

21. Section 116 of *The Ontario Temperance Act* is repealed and the following substituted therefor:

6 Geo. V., c. 50, s. 116, repealed.

116. The local inspector shall immediately on the termination of every case and also on the thirty-first day of January, thirtieth day of April, thirty-first day of July and the thirty-first day of October in each year report to the Board all prosecutions and convictions under this Act in their respective districts, whether instituted or obtained by them or by others to their knowledge, giving dates, names of parties, amounts of fines and names of magistrates before whom respectively the cases were tried.
- Report on prosecutions.

22. Section 118 of *The Ontario Temperance Act* is amended by striking out the word "five" in the second line and inserting instead thereof the words "not more than three."

6 Geo. V., c. 50, s. 118, amended.
Board of License Commissioners.

23. Section 122 of *The Ontario Temperance Act* is amended by striking out the first two lines thereof and substituting therefor the following "If upon the premises of any manufacturer mentioned or included in section 121 of this Act any liquor is."

6 Geo. V., c. 50, s. 122, amended.
Presumption from possession of liquor.

6 Geo. V.
c. 50, s. 124,
amended.

Patent
medicines.

24. Section 124 of *The Ontario Temperance Act* is amended by striking out the first four words thereof and substituting therefor the following "Except as otherwise expressly provided nothing in this Act" and by striking out the last three words of the said section and substituting therefor the words "as an alcoholic beverage."

6 Geo. V.
c. 50, s. 125,
amended.

Sale of
tinctures,
etc.

25. Section 125 of *The Ontario Temperance Act* is amended by striking out the first four words thereof and substituting therefor the following "Except as otherwise expressly provided nothing in this Act."

6 Geo. V.
c. 50,
amended.

26. *The Ontario Temperance Act* is amended by adding thereto the following section:

Sale of
essences,
tinctures,
and flavor-
ing extracts.

Proviso.

125a (1) Notwithstanding anything contained in section 125 of *The Ontario Temperance Act* no essence, tincture, compound or preparation commonly known or described as a flavoring extract or essence containing alcohol shall be sold except in bottles containing not more than two and one-half ounces, and a record of the sale of same shall be kept by the manufacturer, merchant, druggist or other person who sells the same in a book provided for that purpose, which shall shew the name and address of such person to whom any such article is sold, the date of sale and the quantity sold, and this record shall be open to the inspection of any license inspector or any officer authorized by the Board to make such inspection and a true copy thereof under oath shall be supplied to the Board forthwith on demand by the proprietor of the business upon whose premises any such sale was made. Provided, however, that nothing in this section contained shall prevent the sale of any such essence, tincture or flavoring extract in a larger quantity than two and one-half ounces to a druggist or a manufacturer of confectionery or other similar commodity or to a person in any trade or business in which any such article is commonly used for legitimate purposes or to any public institution or to a wholesale dealer for re-sale to any of the persons mentioned in this proviso, but all such sales shall be recorded in a book as above mentioned by the person selling the same and in all other respects the provisions of this subsection shall apply thereto.

- (a) This subsection shall not apply to any preparation containing less than two and one-half per cent. of proof spirits.
- (2) No pedlar or transient trader in Ontario shall sell or dispose of any tincture, essence or extract mentioned in the preceding subsection. Pedlars and transient traders not to sell.
- (3) Unless upon the order of a duly qualified medical practitioner no druggist shall sell or dispose of any tincture, essence or extract of ginger except to a person having a permanent place of residence in the city, town, village or district in which such sale takes place and then only upon the affidavit made by the person requiring the same in the form in Schedule "G" hereto, stating that it is not required for beverage purposes. Upon receiving such affidavit and being satisfied that such tincture, essence or extract is required for legitimate purposes, the druggist may supply a quantity not exceeding two ounces and all the provisions of subsection 1 hereof shall apply to any such sale. Extract of ginger.
- (4) The provisions of the next preceding subsection shall not affect the sale or purchase of any such tincture, essence or extract of ginger by or between wholesale dealers, druggists, manufacturers of confectionery, persons carrying on any trade or business where the same is required for legitimate purposes or where it is needed in a public institution. Exceptions.
- (5) Except as in this section provided no person other than a druggist shall sell or dispose of any tincture, essence or extract of ginger. Not to be sold by others than druggists.
- (6) Any violation of this section shall be an offence against this Act and the person committing the offence shall upon conviction incur the penalties provided by section 59 hereof. Penalty.

27. Section 126 of *The Ontario Temperance Act* is repealed and the following substituted therefor: ⁶ Geo. V, c. 50, s. 126, repealed.

- 126—(1) Where the magistrate before whom a complaint is heard finds that any patent or proprietary medicine mentioned or referred to in section 124 or any other medicine, preparation

or mixture mentioned or referred to in section 125 does not contain sufficient medication to prevent the same being used as an alcoholic beverage, the offender shall incur the penalties imposed by this Act as in the case of sale of liquor without the license required by law.

Charging
offence.

- (2) It shall not be necessary in the information, summons, warrant, distress warrant, commitment or other process or proceeding, except the finding or judgment, to set out that such patent or other medicine, preparation or mixture does not contain sufficient medication to prevent the same being used as an alcoholic beverage, but it shall be sufficient if the complaint and all other necessary statements of the offence allege or refer to the sale of liquor in contravention of this Act.

Analysis of
Provincial
Board of
Health.

- (3) The Provincial Board of Health, on complaint being made to the said Board that any patent or proprietary medicine is believed not to contain sufficient medication to prevent its use as an alcoholic beverage, may cause an analysis of such medicine to be made by some competent person and if it be proved to the satisfaction of the said Board that such patent or proprietary medicine contains more than $2\frac{1}{2}$ per cent. of proof spirits and that the medication found therein is not sufficient to prevent its use as an alcoholic beverage the Board shall certify accordingly.

To be
conclusive
evidence.

- (4) The certificate mentioned in the next preceding subsection shall be received in all courts as conclusive evidence of the facts therein stated if such certificate purports to be signed by some member of the said Board and an affidavit is attached thereto attesting the signature of such member.

When
alcohol
present in
injurious
quantities.

- (5) If the said Board should find and certify that the said patent or proprietary medicine contains any medication which owing to the alcoholic properties of the medicine would be liable to be taken in quantities injurious to health, the sale of such patent or proprietary medicine, after a copy of such certificate has been consecutively published twice in the *Ontario Gazette*, shall be an offence against *The Ontario Temperance Act* unless the same has been so sold upon the written order of a medical practitioner.

(6)

- (6) On any enquiry under this section any interested ^{Hearing.} party may be heard either personally or by counsel or solicitor by the Board of Health before any certificate is issued.

28. Subsection 4 of section 128 of *The Ontario Temperance Act* is amended by inserting the word "by" immediately ^{6 Geo. V, c. 50, s. 128, amended.} after the words "provided for" in the third line thereof.

29. Section 133 of *The Ontario Temperance Act* is ^{6 Geo. V, c. 50, s. 133, amended.} amended by adding at the end of subsection 2 the following words "and such penalty may be recovered by summary ^{Recovery of penalty.} proceedings before a police magistrate or two justices of the peace."

30. During the time any statute of the Parliament of ^{Suspension of certain sections during Dominion prohibition.} Canada or any Order-in-Council passed thereunder is in force the effect of which is to prohibit the transportation of liquor into or out of this province for any purpose sections 43, 45, 46 and 139 of *The Ontario Temperance Act* shall be deemed to be suspended to the extent necessary to conform to the provisions of such statute or order.

- (a) Nothing in this section or in *The Ontario Temperance Act* contained shall be deemed to prevent the owner of liquor in his private capacity within the province transporting the same or any part thereof from any place where the same may be lawfully kept to any other premises or place where the same may be lawfully kept and which such owner controls within the Province of Ontario, provided that the ownership in such liquor remains unchanged.

31. Section 146 of *The Ontario Temperance Act* is ^{6 Geo. V, c. 50, s. 146, amended.} amended by striking out the word "section" in the third line and in the fourth line of subsection 6 and substituting therefor in each case the word "subsection."

32. The Board of License Commissioners for Ontario ^{Appointment of persons who may import for lawful purposes.} may appoint the present vendors or such other persons as may appear desirable for the purpose of importing into this province under the provisions of any statute of Canada or any Order-in-Council passed thereunder:

- (a) Wine for use in Divine Service;
- (b) Intoxicating liquor for medicinal purposes;
- (c) Intoxicating liquor for manufacturing or commercial purposes other than for the manufacture or use thereof as a beverage, and

(d)

- (d) for such other purposes as are or may be permitted under any such statute or order with authority to possess and use or deal in such wine or intoxicating liquor for such purposes and no other and subject to such other restrictions as the law imposes.

Such appointments may be made by resolution of the Board, a copy of which duly authenticated, shall be forthwith sent to the Minister of Customs at Ottawa for his information. The Board may also revoke any appointment so made, in which event a notice of such revocation shall be immediately sent to the aforesaid Minister.

Distillers,
brewers
malt-
sters not
to be
liable for
business
assess-
ment for
1918.

33. Notwithstanding the provisions of *The Assessment Act*, no distiller, brewer or maltster shall be liable for, nor shall any municipal corporation levy or collect from any such person any taxes for the year 1918 in respect of business assessment.

SCHEDULE "G."

AFFIDAVIT UNDER SECTION 26 (3).

ONTARIO.

To Wit:

I, _____ of the _____, in the County of _____, make oath and say

That I have a permanent place of residence at
No. _____ Street in the
of _____ in the County of _____

That I require a small quantity of tincture or essence of ginger for use in my household. That no part of the said ginger will be used for beverage purposes or for any other purpose than domestic use as above set out.

Sworn before me at _____
in the _____
County of _____
this _____ day of _____
191 _____

CHAPTER 41.

An Act to amend The Public Health Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Public Health Amend-* Short title.
ment Act, 1918.

2. Every district officer of health shall be paid such salary Salaries, etc., of district officers of health. as may be fixed by the Lieutenant-Governor in Council, and his actual and necessary travelling and other expenses incurred in the discharge of his duties, and such salary and expenses shall be payable out of such sums as may be appropriated by the Legislature for that purpose.

3. Subsection 2 of section 25 of *The Public Health Act* is Rev. Stat. c. 218, s. 25 (2), amended. amended by striking out the words "five per centum" in the seventh line thereof, and by substituting therefor the words "at a rate not exceeding six per centum."

4. Section 29 of *The Public Health Act* is amended by Rev. Stat. c. 218, s. 29, amended. striking out the words "cleansing and" and the words "cleanse and" in the sixth line, and by adding thereto the following subsection:

(2) The disinfecting, renovating and cleansing of houses Disinfecting, etc., of premises. and premises shall be carried on in accordance with the regulations.

5.—(1) Section 32a of *The Public Health Act*, as EN-Rev. Stat. c. 218, s. 32a, amended. acted by the Act passed in the 7th year of His Majesty's reign, chapter 51, is amended by adding after the word 7 Geo. V. c. 51. "public," at the end of the third line, the words "and separate".

(2) The amendment made by subsection 1 shall have effect Commence ment of section. and be deemed to have been in force as from the 12th day of April, 1917.

Rev. Stat.
c. 218, s. 41,
amended.

6. Section 41 of *The Public Health Act* is amended by adding thereto the following as subsection 2:

Temporary
absence of
M.O.H.

- (2) When the Medical Officer of Health is absent from the province for a protracted period the council may, with the written approval of the Provincial Board, appoint a legally qualified medical practitioner to be Acting Medical Officer of Health during such absence, and such Acting Medical Officer of Health shall have, during the absence of the Medical Officer of Health, all the powers, and perform all the duties of the Medical Officer of Health.

Rev. Stat.
c. 218,
amended.

7. *The Public Health Act* is amended by adding thereto the following section:

Disputes as
to remun-
eration of
M.O.H.
Application
to county
judge.

- 52a.—(1) Where a medical officer of health claims that the salary paid to him by a municipal corporation or the remuneration provided for under section 52 is not fair and reasonable, and gives notice of such claim in writing, signed by him, to the clerk of the municipal corporation, and the council of the corporation neglects to comply with such demand, or directs the serving upon the medical officer of health of a notice disputing such a claim, the medical officer of health, after the expiration of ten days from the receipt of such claim by the clerk of such corporation, may apply in a summary manner to the judge of the county or district court of the county or district within which the municipality lies, for an order allowing his claim and fixing the amount payable to him as salary under section 39 or as remuneration under section 52, and upon such application the judge shall hear the parties and their witnesses and shall make such order as he may deem just, and in and by such order shall settle and determine the salary properly payable to such medical officer of health, and a fair and reasonable remuneration under section 52.

Time for
making
application.

- (2) If such application is not made by the medical officer of health within thirty days after receiving notice from the corporation disputing his claim, he shall be deemed to have abandoned the same.

Powers of
judge.

- (3) The judge, upon the application, shall take into consideration all the circumstances of the case, and amongst other matters the physical extent, population and assessment of the municipality.

(4)

- (4) *The Judges' Orders Enforcement Act* shall apply to every application or order made under this section. Application of Rev. Stat., c. 79.

8. Section 54 of *The Public Health Act* is amended by adding after the word "from" at the end of the second line the words "or exposed to," and by adding thereto the following subsections: Rev. Stat., c. 218, s. 54, amended. Communicable diseases.

- (2) Every person in a house when a communicable disease exists therein, and every person who during the period of quarantine enters such house, shall be deemed to be exposed to the disease. Who to be deemed exposed to disease.

- (3) It shall be the duty of every physician, medical officer of health, superintendent of a hospital, nurse, midwife, and everyone in charge of a maternity hospital, every householder, and everyone in charge of a child, to see that such requirements as may be prescribed by this Act or by the regulations are duly complied with in respect of ophthalmia neonatorum, trachoma, inflammation of the eyes of the newborn, or other communicable diseases of the eyes. Duty as to treatment of newborn for eye diseases.

9. Section 92 of *The Public Health Act* is amended by striking out the word "and" at the beginning of the second line thereof and by adding after the word "corporation" in the second line the words "and any person" and by striking out the words "or officer" in the tenth line and substituting therefor the words "officer or other person." Rev. Stat., c. 218, s. 92, amended. Returns from owners of waterworks, etc.

10. Section 94 of *The Public Health Act* as amended by section 47 of *The Statute Law Amendment Act, 1914*, is further amended by adding thereto the following subsections: Rev. Stat., c. 218, s. 94, amended.

- (9) The Provincial Board may withdraw, amend or vary any approval given by it under this section or any order or certificate made by it, and may approve of a different or other system of sewerage, sewage disposal or sewage disposal plant, or a different or other location of the same. Orders of Provincial Board as to sewerage or sewage disposal plant.

- (10) Before acting under the provisions of subsection 9 the Board shall notify the clerk of the township municipality in which the system of sewerage is located or into or through which it is continued or in which it is proposed to locate the system of sewerage, or into or through which it is proposed to continue the same, or in which

it is proposed to locate a sewage disposal plant, and the Board shall hear and consider any objections which the council of the township or any resident therein may make to the erection of the said work or any part thereof.

Application
to Railway
and Municipal
Board.

- (11) Where the Provincial Board has made an order or report under the provisions of subsections 7 to 10, the corporation of the urban municipality before proceeding with the work, shall apply to the Ontario Railway and Municipal Board, for an order prescribing the manner in which such work may be carried on, and notice of such application shall be given to the township municipality and to any resident therein whose property is, or may be, affected by the proposed works.

Powers of
Railway
and Municipal
Board.

- (12) Upon such application the Ontario Railway and Municipal Board may make an order;

- (a) Stopping up and closing any highway, road or road allowance, temporarily or permanently for the purpose of allowing the proposed work to be carried on; and vesting the same in the urban corporation, and providing for the opening of other roads, highways and road allowances for the use and convenience of the residents of the township municipality in lieu of the roads, highways and road allowances so stopped up and closed, and the provisions of section 86 of *The Registry Act* shall not apply;
- (b) imposing such terms and conditions upon the urban municipality with respect to the construction and operation of the proposed works as the Board may deem just;
- (c) ordering that any buildings, restrictions, covenants running with the land or any limitations placed upon the estate or interest of any person or corporation, in any lands in or through which it is proposed that a sewage disposal system may be constructed or continued, or where the site of the sewage disposal plant is proposed to be located, shall be terminated and shall be no longer operative or binding upon or against any person or persons, and direct that any such order be registered under the provisions of *The Registry Act*;

(d)

- (d) fixing the compensation to be paid for lands taken or injured in the construction of such works.
- (13) The registration of any order under clause *c* of subsection 12, shall be a bar to any action or proceeding taken by any person or corporation claiming any right or benefits under or by reason of any such restrictions, covenants, interests, estate or title in the lands described in the order. Registration of order.
- (14) The Ontario Railway and Municipal Board shall have jurisdiction to enquire into, and hear and determine any application by or on behalf of any person or corporation interested complaining that any urban municipality constructing, maintaining or operating any sewage disposal system, or plant, or having the control thereof: Jurisdiction of Board as to claims for damages.
- (a) has failed to do any act, matter or thing required to be done by an Act or regulation, order or direction, or by any agreement entered into by the corporation; or
- (b) has done or is doing any act or is failing to do any act and that such act or failure is causing depreciation, loss, injury or damage to any property of any owner, and the said Board may make any order, award or finding in respect of any claim of damage or injury, as it may deem just.
- (15) The jurisdiction of The Ontario Railway and Municipal Board under this section shall be conclusive and all claims for injury or damages or any other matter arising under the provisions of this section relating to the construction by an urban municipality of a sewage disposal plant in a township municipality, shall be heard and determined by the Board and *The Ontario Railway and Municipal Board Act*, so far as it is practicable, shall apply to every application and order made to or by the Ontario Railway and Municipal Board under this section. All claims to be determined by Board.

11. Subsection 2 of section 110 of the said Act is amended by striking out the figures “\$20” in the eighth line thereof, and substituting therefor the figures “\$500.” Rev. Stat., c. 218, s. 110, (2) amended.

CHAPTER 42.

An Act for the Prevention of Venereal Disease.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as "*The Venereal Diseases Prevention Act.*"

Inter-pretation. **2.** In this Act,

"Board." (a) "Board" shall mean Provincial Board of Health;

"Local Board." (b) "Local Board" shall mean Local Board of Health;

"Pre-scribed." (c) "Prescribed" shall mean prescribed by this Act or by the Regulations;

"Regulations." (d) "Regulations" shall mean regulations made under the authority of this Act or *The Public Health Act*;

"Venereal disease." (e) "Venereal disease" shall mean and include syphilis, gonorrhœa and chancreoid.

Examina-tion of person in custody or committed to prison **3.**—(1) Whenever any person is under arrest or in custody charged with an offence against The Criminal Code of Canada or against any Statute of Ontario or any by-law, regulation or order made under the authority thereof, or has been committed to a gaol, reformatory or other place of detention upon conviction of such offence, and the medical officer of health for the municipality or district believes that such person is, or may be, infected with, or has been exposed to infection from venereal disease, the medical officer of health may cause such person to undergo such physical examination as may be necessary, or as may be prescribed by the regulations, in order to ascertain whether or not such person is infected with venereal disease.

(2) If, upon such examination it is found that the person examined is so infected the medical officer of health shall give such directions for the treatment of the patient and, if necessary, for his detention and isolation and the prevention of infection from him as may be deemed proper and as may be authorized by the regulations, and he is hereby empowered to do and authorize any act necessary to effect the carrying out of such treatment, detention, isolation and prevention, and it shall be the duty of every such patient to carry out such directions as to treatment and of every constable, gaoler, warden, superintendent and officer having the care and custody of any infected person in any place of detention or in any hospital to see that the directions of the medical officer of health are duly carried out.

Treatment
where
disease
found to
exist.

(3) It shall be the duty of every physician in medical charge of any gaol or place of detention or of the inmates thereof to report to the medical officer of health the name and place of detention whether before or after conviction of any person, whether included in the class mentioned in the preceding subsections or not, whom he suspects or believes to be suffering from venereal disease, such report to be made within twenty-four hours after the time of arrival of such person in the gaol or place of detention.

Duty of
gaol
surgeon, etc.

4.—(1) Subject to the regulations, where the medical officer of health is credibly informed that a person resident in the municipality or district for which the medical officer of health is appointed is infected with venereal disease and has infected or is liable to infect other persons, the medical officer of health may give notice in writing to such person requiring him to consult a legally qualified medical practitioner and to procure and produce to the medical officer of health within a time to be specified in the notice a report or certificate of such medical practitioner that the person so notified is or is not suffering from venereal disease.

Action by
M.O.H. on
information.

(2) If such certificate is not produced within the time stated in the notice, the medical officer of health may, by writing signed by him authorize any legally qualified medical practitioner to examine such person and report or certify as to whether he is or is not suffering from venereal disease.

Authority
to examine.

(3) If by the report or certificate mentioned in either of the two preceding subsections it appears that the person so notified is suffering from venereal disease the medical

Powers of
M.O.H. on
report.

officer of health may exercise the powers and duties as vested in him by subsection 2 of section 3 to such extent as he may deem necessary in the public interest or to the full extent therein provided.

Where
patient's
physician
reports.

(4) If the person so notified produces a report or certificate from a legally qualified medical practitioner in the prescribed form stating that such person is suffering from venereal disease or if the report or certificate under subsection 2 of this section is to the same effect the medical officer of health may, in place of proceedings under the preceding subsection, deliver to such person and to the legally qualified medical practitioner signing the said report or certificate directions in the prescribed form as to the course of conduct to be pursued by such person and may require him to produce from time to time such evidence as may be deemed advisable that such person is undergoing proper medical treatment and is in other respects carrying out such directions, but in case such person fails to comply with the course of conduct prescribed for him and to produce the evidence hereinbefore referred to the medical officer of health may, as to such person, exercise any or all of the powers vested in him by subsection 2 of section 3.

Report
or certifi-
cate not
ground
for action.

(5) No action or other proceeding shall be brought against any legally qualified medical practitioner in respect of any examination, report or certificate made or given by him under the provisions of this Act, unless and until the consent, in writing, of the Board to such action or other proceeding has been given, signed by the chairman and secretary of the board.

Right of
entry of
M.O.H.

(6) The medical officer of health, or a legally qualified medical practitioner appointed by him in writing for that purpose, may enter in and upon any house, outhouse or premises, in the day time, for the purpose of making enquiry and examination with respect to the state of health of any person therein, and may cause any person found therein who is infected with any venereal disease to be removed to a hospital or some other proper place, or may give such directions as may prevent others being infected in the said house, outhouse or premises.

Powers of
Board.

(7) The powers and duties by this section conferred or imposed upon the medical officer of health, may be exercised and performed by the Board in any case in which the Board deems such action expedient.

Hospitals
to make
provision
for treat-
ment.

5.—(1) Every hospital receiving aid from Ontario under *The Hospitals and Charitable Institutions Act* shall make

make effective provision for the examination and treatment, upon such terms as may be prescribed of such persons or classes of persons suffering from venereal disease as may by the regulations be declared fit to be treated at such hospital, and in case of default the Treasurer of Ontario may withhold from any hospital the whole or any part of such grant which would otherwise be payable.

(2) The Lieutenant-Governor in Council shall have power to designate any hospital or other public institution or portion of any such hospital or institution under its jurisdiction or any house or building as a hospital or place of detention or isolation for the reception and treatment of any person suffering from venereal disease. Designation of place of detention or treatment.

6.—(1) No person other than a legally qualified medical practitioner shall attend upon or prescribe for or supply or offer to supply any drug, medicine, appliance or treatment to or for a person suffering from venereal disease for the purpose of the alleviation or cure of such disease. Supply of drugs, etc., of unqualified persons.

(2) Every person guilty of a contravention of subsection 1 shall incur a penalty of not less than \$100 and not more than \$500. Penalty.

(3) Subsection 1 of this section shall not apply to a registered pharmaceutical chemist who dispenses to a patient of a legally qualified medical practitioner the prescription of such practitioner or who sells to any person any patent or proprietary or other medicine, drug or appliance approved of by the regulations for the cure or alleviation of venereal disease. Exception as to chemists.

7.—(1) Every person who

(a) publishes or causes or allows to be published in a newspaper or magazine or other periodical publication any notice, advertisement, statement, testimonial, letter or other matter; Unlawful advertisements, etc.

(b) issues or publishes or causes to be issued or published any book, almanac, pamphlet, fly-sheet, document or other matter;

(c) posts up or exhibits in any place so as to be visible to persons being in or passing along any street, highway, railway or public place, any notice, statement, advertisement, testimonial, letter or other matter;

(d)

- (d) distributes, circulates or delivers or sends by post to any person any pamphlet, circular, notice, statement, advertisement, testimonial, letter or other matter,

intended to recommend or suggest the purchase of or to promote the sale of any article as a drug, medicine, appliance or instrument or as part of any treatment for the alleviation or cure of any venereal disease or of any disease or affection of the genito urinary organs or intended to convey an offer to give or prescribe any form of treatment for any of the aforesaid diseases, shall incur a penalty of not less than \$100 nor more than \$500, and in default of immediate payment thereof shall be imprisoned for a period not exceeding twelve months.

Exceptions.

(2) Subsection 1 of this section shall not apply to any such article which has been approved by regulations nor to books, documents and papers or other matter published in good faith for the advancement of medical or surgical science.

Notice to
newspapers
before pro-
ceedings.

(3) Before any proceedings are taken under this section against any newspaper proprietor, printer or publisher for printing or publishing or allowing to be published any notice, advertisement, statement, testimonial, letter or other matter in a newspaper the Board shall notify the proprietor, printer or publisher that the publication complained of is an infringement of this Act, and he shall not be liable to prosecution except in respect of an offence of the same or a similar nature after such notification.

Restraining
publication,
etc., by in-
junction or
order.

(4) Any of the matters or things prohibited by this section may be restrained by injunction or order in an action in a county or district court having local jurisdiction or in the Supreme Court of Ontario, but such proceedings shall not prevent, delay or in any way be a bar to any prosecution or other proceedings authorized by this Act.

Spreading
infection.

8. Every person who, knowing or having reason to believe that he is or may be infected with venereal disease, does or suffers any act which leads or is likely to lead to the infection of any other person with such disease shall incur a penalty of not less than \$100, nor more than \$500, and in default of immediate payment thereof shall be imprisoned for a period not exceeding twelve months.

Penalty.

Offences.

9. Every person who

- (a) contravenes any provision of this Act or of the regulations for which no other penalty is provided by this Act;

(b)

- (b) wilfully neglects or disobeys any order or direction lawfully given by a medical officer of health or by the Board or a local board under this Act or the regulations;
- (c) hinders, delays or obstructs any officer in the performance of his duties under this Act, or
- (d) without lawful authority publishes or discloses any proceedings taken under this Act or the regulations;

shall, where no other penalty or proceedings are prescribed ^{Penalty.} or authorized incur a penalty of not less than \$25 nor more than \$100, and in default of immediate payment shall be imprisoned for a period not exceeding three months.

10.—(1) Every person who, publicly or privately, ^{Statements as to existence of disease.} verbally or in writing, directly or indirectly, states or intimates that any other person has been notified or examined or otherwise dealt with under the provisions of this Act, whether such statement or intimation is or is not true, in addition to any other penalty or liability, shall incur a penalty of \$200, and in default of immediate payment shall be im- ^{Penalty.} prisoned for a period of not more than three months.

(2) Subsection 1 shall not apply to disclosures made in ^{Exceptions.} good faith to a medical officer of health for his information in carrying out the provisions of this Act, nor to any communication or disclosures made to a legally qualified medical practitioner or in the course of consultation for treatment for venereal disease, nor to any communication authorized or required to be made by this Act or the regulations.

11. *The Ontario Summary Convictions Act* shall apply ^{Application of Rev. Stat. c. 90.} to prosecutions under this Act or the regulations, but all proceedings for the recovery of penalties under this Act, except those authorized by section 7, shall be conducted in camera and no report of such proceedings shall be published ^{Proceedings in camera.} in any newspaper.

12. Every person employed in the administration of this ^{Obligation as to observance of secrecy.} Act shall preserve secrecy with regard to all matters which may come to his knowledge in the course of such employment, and shall not communicate any such matter to any other person except in the performance of his duties under this Act, and in default he shall in addition to any other ^{Penalty.} penalty, forfeit his office or be dismissed from his employment.

13.—(1) The Board, subject to the approval of the Lieu- ^{Regulations.} tenant-Governor in Council, may make regulations:

(a)

- | | |
|--|--|
| Forms. | (a) prescribing the forms of notices and certificates to be given or issued under this Act; |
| Treatment and remedies. | (b) declaring what shall be deemed to be lawful and proper methods and remedies for the treatment, alleviation and cure of venereal disease, and requiring all advertisements, statements, testimonials, letters or other matters of or regarding such methods and remedies to state the date and number of the official approval of the same and such other information as may be deemed desirable; |
| Conduct of patient. | (c) prescribing the course of conduct to be pursued by any person infected with venereal disease in order to effect a cure and to prevent the infection of other persons; |
| Distribution of information. | (d) for distributing to medical practitioners and hospitals such information as to the treatment, diet, and care of persons suffering from venereal disease and requiring medical practitioners and hospitals to distribute the same to such persons. |
| Regulating treatment. | (e) prescribing rules for the treatment of such persons in hospitals, places of detention and other institutions; |
| Preventing infection. | (f) for preventing the spread of infection from persons suffering from venereal disease; |
| Reports from physicians, etc. | (g) requiring medical practitioners, hospital superintendents and heads of places of detention and public institutions to make reports upon the cases of venereal disease coming under their treatment or care but, except where it is otherwise provided in this Act, without disclosing the name or address of any person suffering from venereal disease, and prescribing the form of such reports; |
| Notices. | (h) providing for the putting up of notices and placards dealing with venereal disease, its cause, manifestation, treatment and cure in all public urinals and conveniences and similar places; |
| Publication of information as to treatment, etc. | (i) providing for public advertising and placarding of such information relative to the treatment and cure of venereal disease and the places where proper remedies can be obtained as may seem desirable; |

(j)

- (j) imposing penalties for the violation of any provision of this Act or anything covered by this Act or any regulation; Penalties.
- (k) generally for the better carrying out of the provisions of this Act and for the prevention, treatment and cure of venereal disease; Generally.
- (l) prescribing the procedure to be adopted and the evidence to be required in case of an appeal to the Board from any action or decision of a medical officer of health under this Act; Procedure on appeals to Board.
- (m) providing for the procedure relative to detention for the purpose of examination or cure or the prevention of infection, so as not to interfere with the course of justice in case of persons under arrest or in custody previous to trial for any offence committed against the provisions of this Act or anything therein authorized or under any other Statute or the Criminal Code. Detention for examination or cure.
- (n) prescribing the method and extent of the examination of any person with a view to ascertaining whether or not such person is infected with venereal disease. Examination of suspected patients.

(2) The Board, with the approval of the Lieutenant-Governor in Council may, out of any moneys appropriated by the Legislature for the purposes of the Board, provide for the manufacture and free distribution to local boards and to medical practitioners and hospitals of any drug, medicine, appliance or instruments which the Board may deem useful or necessary for the alleviation, treatment or cure of venereal disease or the prevention of infection therefrom. Expenses of free distribution.

14.—(1) The treasurer of the municipality shall forthwith, upon demand, pay the amount of any account for services performed therein under the direction of the local board and for materials and supplies furnished, or for any expenditure incurred by the local board or by the medical officer of health in carrying out the provisions of this Act, or the regulations, after the local board has, by resolution, approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer. Payment of expenses by municipality.

(2) The corporation of the municipality shall be entitled to recover the amount expended in providing such medical attendance, medicine, nurses and other assistance and necessities Recovery of expenses.

saries for any person having any venereal disease from such person, but not the expenditure incurred in providing a separate house or in otherwise isolating him except where such isolation is provided in an hospital or other place designated as such under this Act.

Appeal to
Board.

15.—(1) Every person who deems himself aggrieved by any action or decision of a medical officer of health under this Act may appeal therefrom to the Board by giving notice in writing to the Board and to the medical officer of health.

Evidence on
appeal.

(2) The Board may require the appellant to furnish such information and evidence and to submit to such examination as may be prescribed or as the Board may deem necessary to determine the matter in dispute.

Decision
of Board
to be final.

(3) The decision of the Board shall be final.

Commence-
ment of Act.

16. This Act shall come into force and take effect on the 1st day of July, A.D. 1918.

CHAPTER 43.

An Act to amend The Bread Sales Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Bread Sales Act* is amended by inserting the following as section 3a: Rev. Stat.
c. 224, s. 3.
amended.

3a. Every person conducting a bake shop shall do so only under a license to be issued by the municipality, and under regulations and conditions prescribed by by-law of the municipality, and no license shall be issued until the Medical Officer of Health gives a certificate that all regulations and conditions have been fully complied with. Any license issued hereunder may be revoked by the council of the municipality. The fee for the license shall not exceed \$1. Bake shops
to be
licensed.

Revocation

CHAPTER 44.

An Act to amend The Factory, Shop and Office Building Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title **1.** This Act may be cited as *The Factory, Shop and Office Building Act, 1918.*

APPLICATION OF ACT.

Factories. **2.** Notwithstanding anything contained in section 7 of *The Factory, Shop and Office Building Act*, Part I of the said Act shall apply to every factory in which machinery is used which is operated by steam, electrical or any other power than hand power.

Definition of office building enlarged **3.** A building, or a part of a building, used and occupied by a municipal or school corporation or by any municipal commission for office purposes shall be deemed an office building within the meaning of *The Factory, Shop and Office Building Act*, and the provisions of the said Act applicable to office buildings shall apply thereto, and the municipal or school corporation or commission owning or occupying any such building or part of a building shall be deemed the owner thereof within the meaning of the said Act notwithstanding that no rents, issues or profits are derived therefrom.

INSPECTION.

Submission of plans of certain shops and office buildings. **4.** Section 14 of *The Factory, Shop and Office Building Act* respecting the submission for approval of the plans of any building, or alterations of a building which it is proposed thereafter to use as a factory, shall extend and apply to any

any building over two stories in height which it is proposed to use as a shop or office building and the said section 14 is amended by inserting the words "or, where the building or proposed building is over two stories in height, as a shop or office building," after the word "factory" in the second line, and the words "shops or office buildings as the case may be" after the word "factories" in the seventh line.

5. Every plan required to be submitted to the Inspector under the said section 14 shall be submitted in duplicate ^{Plans to be in duplicate.} and one duplicate may be certified as provided in the said section and the other shall be retained by the Inspector and filed in the Trades and Labour Branch.

6. Notwithstanding anything contained in sections 18 to 21 of *The Factory, Shop and Office Building Act* the Inspector ^{Inspector's right of entry.} may enter, inspect and examine at all reasonable times by day or night any premises when he has reason to believe that such premises or any part thereof are being used as a factory, shop, bakeshop or office building.

7. The notices as to the provisions of *The Factory, Shop and Office Building Act* which are required by section 23 ^{Affixing notices of Act.} of the said Act to be affixed at the entrance to and in other parts of a factory, shop, bakeshop or office building, shall be so affixed by the Inspector, and thereafter the employer shall see that the same are constantly kept affixed and in default shall incur the penalty provided by subsection 2 of the said section.

8. Whenever the Inspector deems that there is reasonable ^{Assistance of constables.} cause to believe that he may be resisted, obstructed or hindered in entering, inspecting, or examining any factory, shop, bakeshop or office building, he may require any constable authorized to act in the locality to accompany him and to put down any such resistance, obstruction or hindrance by force, if necessary, and it shall be the duty of the chief constable and every member of the police force in any locality to render the Inspector such assistance in carrying out his duties under the said Act as he may require.

EMPLOYMENT OF CHILDREN IN FACTORIES.

9. No child shall be employed in any factory, and sections 25, 26, 31 and 36 of *The Factory, Shop and Office Building Act* relating to the employment of children in the business of canning or desiccating fruits and vegetables are repealed. ^{Employment of children in factories prohibited.}

Rev. Stat.
c. 229 s.35,
repealed.

10. Section 35 of *The Factory, Shop and Office Building Act* authorizing the employment of women to a later hour than half past six o'clock in the afternoon during the months of July, August, September and October in a factory where the work of canning or desiccating fruits or vegetables is carried on, is repealed.

SANITATION.

Lighting
buildings.

11.—(1) The employer in every factory, shop, bakeshop or office building shall, during working hours, keep the factory, shop, bakeshop or office building, including all passage and sanitary conveniences used in connection therewith and under his control, properly lighted so as not to be injurious to the health, safety and comfort of the employees, and the owner of every building used as a factory, shop, bakeshop or office building, shall at all times keep the same or such parts thereof as are under his control or are used in common by the tenants or occupants of the building, and the employer shall at all times keep any part thereof which is under his control, properly lighted so as not to be injurious to the health, safety or comfort of persons employed in the building or using or having access to the same.

Penalty.

(2) Every owner or employer who for thirty days or for such extended period as the Inspector allows, refuses or neglects to comply with the requirements of this section after being notified in writing with regard to the same, by the Inspector, shall incur a penalty of not less than \$200 and not exceeding \$500, and in default of payment shall be liable to imprisonment for a period of not more than twelve months.

Dressing
rooms and
eating
rooms for
females.

12.—(1) Where not less than thirty-five females are employed in a factory or shop, the employer shall provide suitable dressing-rooms and eating-rooms for the female employees and shall employ a suitable person as matron or attendant to have charge of such dressing-rooms and eating-rooms.

Exemptions.

(2) Subsection 1 shall not apply to any case where, owing to the nature of the occupation or for other reasons, the Inspector dispenses with compliance therewith in writing signed by him.

Effect of
non-com-
pliance.

(3) Every factory or shop in which the employer neglects to comply with the provisions of this section after notice in writing from the Inspector shall be deemed to be kept so that the health of the employees is endangered.

GUARDING MACHINERY, ETC.

13. Whenever the Inspector deems that any machinery, appliance, matter, or thing in a factory is a source of danger to the health or safety of the employees or of persons having access to the factory, he shall give notice in writing to the employer, requiring him to take such measures for guarding such machinery, appliance, matter or thing, or protecting the safety or health of employees and other persons against danger therefrom, as the Inspector may think requisite and a factory in which the employer neglects to comply with any such notice within the time specified therein, shall be deemed to be kept so that the safety of the persons employed therein is endangered.

Protection from machinery, etc.

Effect of non-compliance.

BOILER INSPECTION.

14.—(1) No boiler in a factory, shop, bakeshop or office building or in any other building on any other premises or in any other place or in a highway or any other public place shall be operated or used unless the same is insured in some boiler insurance company, registered in the Department of Insurance, or has been inspected within one year by some person authorized in writing by the Superintendent of the Trades and Labour Branch.

Annual inspection of boilers when not insured.

(2) Every such boiler insurance company shall annually on the thirtieth day of November, transmit to the Chief Inspector, a report of the boilers in Ontario insured by it, and when the insurance is cancelled the company shall forthwith give notice thereof to the Chief Inspector.

Returns of boiler insurance companies.

(3) Whenever the Inspector is of opinion that a boiler is in such position, or is so located or operated as to be dangerous to life or property he may, by written notice to the owner and employer, and to the person operating or using such boiler, direct that the use of the boiler shall be discontinued until it has been inspected as provided in subsection 1 and a certificate has been given by the Inspector that the boiler may be safely operated.

Discontinuing use when dangerous.

(4) A factory, shop or office building in which a boiler is used in contravention of the requirements of this section, after such notice from the Inspector and before a certificate has been given as provided in subsection 3, shall be deemed to be kept so that the safety of the persons employed in the factory, shop or office building is in danger.

Effect of non-compliance.

Regulations
as to
inspectors.

(5) Subject to the approval of the Lieutenant-Governor in Council, the Superintendent of the Trades and Labour Branch may make regulations:

- (a) prescribing the qualifications of persons to act as inspectors under subsection 1;
- (b) respecting the examination of candidates and the granting of certificates and the evidence to be furnished by the candidates as to previous training and experience and as to sobriety and good character;
- (c) determining the periods for which the certificates shall be granted and the terms upon which they may be renewed;
- (d) fixing the fees to be paid by candidates upon examination and for certificates and renewals;
- (e) prescribing the causes for which a certificate may be revoked, cancelled or suspended;
- (f) fixing the fees or other remuneration to be paid to an inspector upon inspection;
- (g) assigning the district or locality in which any inspector is to act.

Exception
as to
insured
boilers.

(6) Nothing in subsection 5 shall apply to the inspection of any boiler which is insured as provided in subsection 1.

(7) In this section "boiler" shall have the same meaning as the expression "steam boiler" in *The Steam Boiler Act* but shall not include nor shall this section apply to a boiler:

- (a) used for heating purposes in a dwelling house, not being part of an apartment house; or
- (b) used on a farm for agricultural purposes only.

Rev. Stat.
c. 229, s. 57.
repealed.

(8) Section 57 of *The Factory, Shop and Office Building Act* as amended by section 5 of the Act passed in the fourth year of His Majesty's reign, Chapter 40, is repealed.

Commence-
ment of
section.

(9) This section shall come into force and take effect on the first day of January, 1919.

PENALTIES.

15.—(1) Whenever in *The Factory, Shop and Office Building Act* it is provided that a penalty may be imposed for an offence against the Act and no minimum penalty is prescribed, no less penalty shall be imposed upon conviction for the offence than an amount equivalent to one-tenth of the maximum penalty and in no case less than \$10. Minimum penalties.

(2) Notwithstanding anything in *The Factory, Shop and Office Building Act* contained, penalties recovered under the said Act shall be paid by the convicting Magistrate to the Inspector or to the Crown Attorney, and shall be paid over by the Inspector or the Crown Attorney as the case may be. to the Chief Inspector and accounted for to the Treasurer of Ontario. Payment over of penalties.

SCHEDULE.

16. Schedule "A" to *The Factory, Shop and Office Building Act* is amended by adding thereto the list set out in the Schedule to this Act, and this amendment shall have effect as from the 9th day of October, 1914. Rev. Stat., c. 229, Sched. "A," amended.

17. This Act shall be read with and as part of *The Factory, Shop and Office Building Act* and the said Act shall be interpreted as amended hereby, and words and phrases used in this Act shall have the meaning given to the same words and phrases respectively by section 2 of *The Factory, Shop and Office Building Act*. Act to be read with Rev. Stat. c. 229.

SCHEDULE.

ADDITIONS TO SCHEDULE "A" to *The Factory, Shop and Office Building Act.*

Awnings, Blinds, Curtains and Sails.	Fertilizer Plants.
Abattoirs.	Fire Prevention Apparatus Appliances.
Aluminum Ware.	Grain Elevators.
Artificial Ice Plants.	Granite and Stone Works.
Artificial Preparation.	Greenhouses.
Artists' Supplies.	Harness Factories.
Asphalt Paving, Cork, Brick and Flooring Plants.	Hook and Eye Factories.
Automobile Factories and Supplies.	Incinerators.
Alabastine and Lime Factories.	Insulation Preparation.
Bottlers' Supplies.	Laundry Machinery and Supplies.
Box Shook Factories.	Mince Meat and Condiments.
Braid and Cord Factories.	Metallic Supplies.
Bakers' and Confectionery Machinery and Supplies.	Motor Cycles and Supplies.
Belting.	Musical Instruments and Supplies.
Beds and Bedding.	Metal Refineries.
Bottling Works.	Needle Factories.
Carpet Sweepers.	Oil Storage and Pumping Distributing Stations.
Car Repair Shops.	Optician and Optical Supplies.
Carriage Tops and Supply Factories.	Pattern Works.
Celluloid Factories.	Pharmaceutical Works.
Chopping Mills.	Pipe Factories.
Cloth Factories.	Plumbers' and Steam Fitters' Supplies.
Clothes Cleaning Factories.	Rubber and Metal Stamps.
Concrete Works.	Roofing Factories.
Cut Glass Factories.	Souvenir Factories.
Cash Registers.	Shipbuilding.
Collection Box Factories.	Structural Steel and Bridge Works.
Creosoting Factories.	Scale Works.
Cold Storage Factories.	Stoves, Furnaces and Miscellaneous.
Collar and Cuff Factories.	Stone, Marble Crushing and Grinding Works.
Dairy Supplies.	Surgical Appliances.
Dental Supplies.	Tile Works.
Dry Cleaning.	Upholstering Factories.
Dairy Factories.	Wall Board Factories.
Electrical Supplies and Fixtures.	White, and other Lead Factories.
Electrical Power and Distributing Stations.	
Explosives and Powder Plants.	

CHAPTER 45.

An Act to amend The Forest Fires Prevention Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Forest Fires Prevention Act, 1918.* Short title.

2. *The Forest Fires Prevention Act, 1917*, is amended by adding thereto the following section: 7 Geo. V, c. 54, s. 6, amended.

6a.—(1) Where the owner of any land in a fire district desires to provide protection from fire upon such land, in addition to that authorized by the foregoing provisions of this Act, the Minister may arrange with such owner for the appointment of extra or special officers upon such land for the enforcement of this Act and the Regulations. Arrangements with owner for additional fire protection.

(2) Every such appointment shall be made or approved by the Minister and, subject to the Regulations, the persons so appointed may exercise and perform the powers and duties of fire rangers or other officers appointed for the enforcement of this Act. Appointments.

(3) Every person appointed under subsection 1 shall be paid by the owner of the land such salary or other remuneration as the Minister may direct or approve. Payment of extra rangers.

(4) In this section the word "owner" shall include a timber licensee and any person having the right to cut timber or pulp wood upon any lands. "Owner."

CHAPTER 46.

An Act to impose a Tax on Dogs and for the
Protection of Sheep.*Assented to 26th March, 1918.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Short title. **1.** This Act may be cited as *The Dog Tax and Sheep Protection Act*.

Interpreta- **2.** In this Act:

"Dog." (a) "Dog" shall include bitch;

"Owner," (b) "Owner" shall include possessor or harbourer;
"Owned," and "owned" shall include possessed or har-
 boured;

"Sheep." (c) "Sheep" shall include lamb.

TAX ON DOGS.

Annual tax **3.**—(1) Subject to the provisions of paragraph 9a of
on dogs. section 400 of *The Municipal Act*, and of subsection 3 of this
 section, there shall be levied annually, in every local municipi-
 pality, upon the owner of each dog therein, an annual tax
 of at least \$2 for a dog, if only one, and \$4 for each addi-
 tional dog owned by him, and \$4 for a bitch, if only one,
 and \$6 for each additional bitch owned by him; and any
 such local municipality may at any time increase such tax.

Spayed (2) Upon the production of a certificate in writing of a
bitches. veterinary surgeon that a bitch has been spayed, such bitch
 shall be taxed at the same rate as a dog.

Registered (3) The owner of a kennel of pure bred dogs which are
kennel. registered in the "Canada Kennel Register" may in any

year

year pay to the treasurer of the municipality \$10 as a tax upon such kennel for that year, and upon the production to the assessor of the treasurer's certificate of payment, the owner of such kennel shall be exempt from assessment and any further tax in respect of such dogs for that year.

4. The assessors shall, at the time of making their annual assessment, enter on the assessment roll, in a column prepared for the purpose, opposite the name of every person assessed, and also opposite the name of every resident inhabitant not otherwise assessed, being the owner of any dog, the number of dogs, bitches and spayed bitches, distinguishing them, by him owned. ^{Duty of assessors.}

5. The owner of any dog shall be required by the assessors to deliver to them, in writing, a statement of the number of dogs owned by him; and for any neglect or refusal to do so, and for every false statement made in respect thereof, he shall incur a penalty of \$5. ^{Duty of owners of dogs. Penalty.}

6. The collector's roll shall contain the name of every person entered on the assessment roll as the owner of any dog with the tax hereby imposed, in a separate column; and the collector shall proceed to collect the same, and at the same time and with like authority, and make returns to the treasurer of the municipality, in the same manner, and subject to the same liabilities in all respects for paying over the same to the treasurer, as in the case of other taxes levied in the municipality. ^{Tax entered on collector's roll.}

7.—(1) Where any person has been assessed for a dog, and the collector has been refused the tax imposed by this Act, the collector shall impound such dog and shall report the same under oath to a justice of the peace, who shall, by an order under his hand and seal, to be served by any constable, require such dog to be destroyed by the owner thereof, or by a constable. ^{Destruction of dog on default of payment.}

(2) For the purpose of carrying out such order the constable may enter on the premises of such owner and destroy such dog. ^{Powers of constable.}

(3) An assessor who fails to carry out the provisions of section 4, or a collector who neglects to make such report within the time required for paying over the taxes levied in the municipality, shall incur a penalty of \$10. ^{Penalty.}

PROTECTION OF SHEEP.

Killing of
dogs.

8. Any person may kill any dog:

(a) which is found pursuing, worrying or wounding any sheep;

(b) which is found straying between sunset and sunrise from the premises on which such dog is habitually kept.

Conviction
no bar to
action for
damages.

9. No conviction shall be a bar to any action by the owner or possessor of any sheep for the recovery of damages for the injury done to such sheep.

EXTENT OF LIABILITY OF OWNER OR KEEPER OF DOGS.

Liability of
owner of
dog

10.—(1) The owner of any sheep killed or injured by any dog shall be entitled to recover the damage occasioned thereby from the owner of such dog, by an action for damages or by summary proceedings before a justice of the peace, who is hereby authorized to hear and determine such complaint, and proceed thereon in the manner provided by *The Master and Servant Act*, or as nearly as may be, and the said Act, *mutatis mutandis*, shall, except as to the limit of jurisdiction, apply to all proceedings taken under this section and to the enforcing of judgments and to the time and manner of making appeals.

Rev. Stat.
c. 144.

Owner's
knowledge
of habits
immaterial.

(2) The aggrieved party may recover in such action or proceeding, whether or not the owner of such dog knew that it was vicious or accustomed to worry sheep.

Apportion-
ment of
damage.

(3) If it appears at the trial that the damage or some part thereof was the joint act of some other dog, and of a dog owned by the person charged, the court, judge or justice may, by the judgment or conviction, apportion the damages among and against the respective owners of the dogs, as far as they are known, in such proportions as may be deemed just.

Where
owner of
one of the
dogs doing
damage is
unknown.

(4) If it appears at the trial that the damage was occasioned by a dog, the owner of which is known, and a dog the owner of which is unknown, or has not been summoned to appear, the court, judge or justice may determine and adjudge as to the proportion of the damage which, having regard to the evidence adduced as to the strength, ferocity and character of the various dogs shewn to have been engaged in committing such damage, was probably done by the dogs the owners of which have been summoned to appear, and shall determine in respect thereof and apportion the damage

which

which the court, judge or justice determines to have been probably done by the dogs whose owners or keepers have been summoned, amongst the various owners or keepers who have been so summoned.

(5) The like proceedings may thereafter be had against the owners of the dogs which so contributed to the damage. Procedure

11. The owner of any dog, to whom notice is given of any injury done by his dog to any sheep, or of his dog having chased or worried any sheep, shall, within forty-eight hours after such notice, cause such dog to be killed; and for every neglect so to do he shall incur a penalty of \$2.50 for each dog, and a further penalty of \$1.25 for each dog for every forty-eight hours thereafter, until the dog is killed, if it is proved in the proceedings for the recovery of such penalties, that such dog has worried or otherwise injured such sheep, unless the owner proves that it was not in his power to kill the dog. Dogs known to worry sheep to be killed by owner. Penalty.

12. When the owner of any sheep so killed or injured proceeds against the owner of the dog which committed the injury, before a justice of the peace, and is unable on the conviction of the offender, to levy the amount ordered to be paid, for want of sufficient distress, the council of the municipality in which the offender resided at the time of the injury shall order their treasurer to pay to the aggrieved party the full amount ordered to be paid by the justice by the conviction, in addition to the costs of the proceedings before the justice and before the council. Liability of municipality where no sufficient distress.

COMPENSATION WHERE OWNER UNKNOWN.

13. Where the owner of any dog killing, injuring, terrifying or worrying sheep is not known, the municipality in which such sheep were so killed, injured, terrified or worried shall be liable for compensation to the full amount of the damage sustained, but no municipality shall be so liable unless application has been made for damages as herein provided within three months after such sheep have been so killed, injured, terrified or worried. Compensation where owner of dog not known.

14. The amount of damage sustained as aforesaid shall be determined in the following manner: Procedure.

(1) The council of every local municipality shall appoint one or more competent persons to be known as Sheep Valuers. Within forty-eight hours after the discovery of any damage as mentioned in the preceding section, the owner of the sheep or the clerk of the municipality shall notify a sheep valuer, Appointment of sheep valuers.

who

who shall immediately make full investigation and determine the extent of the damage. The sheep valuer shall make his report in writing, giving in detail the extent of the injury and the amount of damage done, to the clerk of the municipality and shall at the same time forward a copy of such report to the owner of the sheep damaged.

Appeal to
Minister
of Agriculture.

(2) Where the owner of such sheep considers the award inadequate to cover the loss sustained, he may appeal to the Minister of Agriculture who may name a competent arbitrator to make a further investigation and the award of the arbitrator so named shall be final; provided the appeal to the Minister shall be made within one week after the award of the local valuer has been received and shall be accompanied by a deposit of twenty-five dollars (\$25) which shall be forfeited if the award of the local valuer is sustained.

Payment
by treasurer.

(3) When the amount of damage has been finally determined as aforesaid, the Treasurer of the municipality shall forthwith pay over to the owner of the sheep the amount so awarded.

Action
against
municipal
corporation,
when
to lie.

(4) If no sheep valuers are appointed by the municipal council or the clerk or the sheep valuers do not perform the duties provided for by this section or any of them within the times specified, where the time is specified for the doing thereof, or where no such time is specified, within a reasonable time, the person who has sustained the damage shall have a right of action against the municipal corporation for the amount of the damage, recoverable in any court of competent jurisdiction.

Claim to
belong to
municipal-
ity on pay-
ment.

15. After the owner of a sheep has received any money from a municipal corporation under any of the preceding sections, his claim shall thenceforth belong to the municipal corporation, which may enforce the same against the offending party for its own benefit, by any means or form of proceeding that the owner was entitled to take for that purpose, but if the corporation recovers from the offender more than it paid to the owner, besides costs, it shall pay over the excess to the owner.

Case of
sheep run-
ning at
large on
highway.

16. The owner of any sheep killed or injured while running at large upon any highway or unenclosed land, shall have no right to compensation from a municipal corporation.

PROCEDURE.

17. Except as herein otherwise provided, *The Ontario Summary Convictions Act* shall apply to prosecutions under this Act. Procedure Rev. Stat. c. 90.

18. The times and the method of procedure set out in this Act shall be regarded as merely directory and a proceeding which is in substantial conformity with the Act shall not be open to objection on the ground that it is not in strict compliance therewith. Times and procedure directory only.

19. Chapter 246 of the Revised Statutes of Ontario, 1914, and all amendments thereto are hereby repealed. Rev. Stat. c. 246.

CHAPTER 47.

An Act to amend The Ditches and Watercourses Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.
c. 260, s. 3,
cl. (f)
repealed.

1. Clause (f) of section 3 of *The Ditches and Watercourses Act* is repealed and the following substituted therefor:

Engineer.

(f) "Engineer" shall mean the person, or firm of persons, appointed by the municipal council as engineer to carry out the provisions of this Act, and any person of the firm may act as engineer provided his name is included in the by-law appointing the engineer.

CHAPTER 48.

An Act to amend The Game and Fisheries Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Ontario Game and Fisheries Act, 1918.* Short title.

2. Subsection 1 of section 10 of *The Ontario Game and Fisheries Act* is amended as follows: Rev. Stat., c. 262, s. 10, ss. 1, amended.

(a) By striking out the words "except from the 16th day of October to the 15th day of November, both days inclusive," at the end of clause *c*, and substituting therefor the words "except from the 1st day of October to the 30th day of November, both days inclusive": Open season for moose, etc.

(b) By striking out clause *d* and substituting therefor the following: Grouse, pheasants, prairie fowl and partridge.

(d) any grouse, pheasant, prairie fowl or partridge before the 15th day of October, 1920, and thereafter except from the 15th day of October to the 15th day of November in each year, both days inclusive, and no person shall take or kill any more than ten partridge in any one day;

(c) By striking out clause *g* and substituting therefor the following: wild geese.

(g) any wild goose except from the 15th day of September to the 31st day of December in any year, both days inclusive.

(d) By striking out the clauses *h* and *j* and substituting therefor the following: Duck.

- (h) wood and eider duck before the 15th day of September, 1923, and thereafter except from the 1st day of September to the 15th day of December, and duck of any kind except from the 1st day of September to the 15th day of December in any year, both days inclusive;

Shore birds.

- (i) band-tailed pigeons, little brown cranes, sandhill cranes, and whooping cranes, swans, curlews and all shore birds except those mentioned in clause *ii*, before the 15th day of September, 1928;

Plover,
snipe, etc.

- (ii) black-breasted and golden plover, wilson or jack snipe and the greater and lesser yellow legs, from the 15th day of September to the 15th day of December in any year, both days inclusive.

Fishers
and mar-
tens.

3. Subsection 7 of section 11 of *The Ontario Game and Fisheries Act* is amended by adding the words "fisher or marten" after the word "mink."

Rev. Stat.,
c. 262,
s. 29, ss. 1,
amended.

4. Subsection 1 of section 29 of *The Ontario Game and Fisheries Act* is amended by inserting after the word "water" in the fourth line, the words "declared by the Lieutenant-Governor in Council to be protected waters, or."

Protected
waters.

Rev. Stat.,
c. 262,
amended.

5. *The Ontario Game and Fisheries Act* is amended by adding thereto the following section:

Possession
of un-
prime skin
forbidden.

39a. No person shall have in his possession or in the possession of his servant or agent, or any other person on his behalf, at any time, the skin of any fur-bearing animal protected by this Act while such skin is in unprime condition.

Rev. Stat.,
c. 262,
s. 40, ss. 1,
amended.
Possession
of game
and fish
in close
season.

6. The clause lettered *a* of subsection 1 of section 40 of *The Ontario Game and Fisheries Act* is amended by striking out the words "the 16th day of January," and substituting therefor the words "the 31st day of March."

Rev. Stat.,
c. 262, s. 48,
amended.

7. The clause lettered *b* of subsection 1 of section 48 of *The Ontario Game and Fisheries Act* is amended by striking out the figures "\$2" in the clause, and substituting therefor the figures "\$3."

License
for resident
deer
hunter.

8. The clause lettered *b* of section 49 of *The Ontario Game and Fisheries Act* is amended by striking out all the words therein after the word "procured" in the 13th line thereof, and substituting therefor the following:

Rev. Stat.,
c. 262, s. 49,
amended.
Game
dealers'
license.

And the fee for such license shall be, in cities having a population of 50,000 or over, \$10, and in cities having a population of less than 50,000 and not more than 25,000, \$5, and in cities having a population of less than 25,000, and in towns, \$2, and in villages and townships, \$1.

9. The clause lettered *d* in section 49 of *The Ontario Game and Fisheries Act*, as amended by subsection 2 of section 6 of *The Ontario Game and Fisheries Amendment Act, 1914*, is amended by striking out the figures "\$2" and substituting therefor the words "\$10 in the case of any person who is a resident, and \$25 in the case of a person who is not a resident of Ontario."

Rev. Stat.,
c. 262, s. 49,
amended.
Fur dealers'
licenses.

10. Section 57 of *The Ontario Game and Fisheries Act* is amended by striking out the word "superintendent" in the 2nd and 3rd lines and substituting therefor, the words "Deputy Minister."

Rev. Stat.,
c. 262, s. 57,
amended.

11. Subsection 4 of section 65 of *The Ontario Game and Fisheries Act* is amended by striking out the figures "\$500" in the last line and substituting therefor the figures "\$200."

Rev. Stat.,
c. 262,
s. 65, ss. 4,
amended.
Remitting
fines.

12.—(1) Subsection 7 of section 65 of *The Ontario Game and Fisheries Act* is amended by striking out the word "superintendent" and substituting therefor the words "Deputy Minister."

Rev. Stat.,
c. 262,
s. 65, ss. 7,
amended.

(2) The said section 65 is further amended by adding at the end thereof the following subsection:

Rev. Stat.,
c. 262, s. 65,
amended.

(13) Where the Minister is satisfied that the seizure or confiscation of any article or thing would work undue hardship or injustice and the value of such article is in excess of \$100, the Minister may grant relief against such forfeiture and direct the return of the article or thing to the person from whom the same has been taken, upon such terms as he may deem just.

Relief
from for-
feiture in
certain
cases.

13. Subsection 3 of section 13 of *The Ontario Game and Fisheries Act* is amended by substituting therefor the following:

Rev. Stat.,
c. 262,
s. 13, ss. 3,
amended.

Number
of deer,
etc., which
may be
killed.

- (3) No resident shall during any one year or season, kill or take more than two deer, and no non-resident shall during any one year or season kill or take more than one deer, and no person shall, during any one year or season, kill or take more than one bull moose, reindeer, or caribou, but this shall not apply to deer which are the private property of any person and which have been killed or taken by him or by his direction or with his consent in or upon his own land.

CHAPTER 49.

An Act respecting the Distribution and Sale of Fish
taken from the Waters of Ontario.*Assented to 26th March, 1918.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. This Act may be cited as *The Fish Sales Act, 1918.* Short title.
2. *The Ontario Game and Fisheries Act* is amended by adding thereto the following sections as Part Va.: Rev. Stat.
c. 262
amended.

PART VA.

- 53b. The Minister may employ such officers, clerks and servants as he may deem necessary for the purposes of this part, may define their duties and powers and fix the salaries or other remuneration payable to them. Procuring
and dealing
in supply
of fish.
- 53b. The Minister may employ such officers, clerks and servants as he may deem necessary for the purposes of this part, may define their duties and powers and fix the salaries or other remuneration payable to them. Appoint-
ment of
officers,
clerks and
servants.
- 53c. The Minister may, by the officers and employees of the Department, take from the waters of Ontario fish of any kind, and may cause the same to be treated, stored, transported, distributed and sold to merchants and dealers in fish to be resold by them in such quantities and at such price and upon such terms as the Minister may determine. Taking and
dealing
with fish.
- 53d. The Minister may make arrangements or enter into contracts with such persons as he may deem proper for the taking of fish by such persons from any waters of Ontario, and may agree with Arrange-
ments and
contracts
for fishing
certain
waters.

with such persons as to the price to be paid by the Minister for such fish or for the remuneration to be paid to such persons for taking the same, and for the taking over by the Minister of fish so taken, and may deal therewith in the manner provided by section 53c.

Contracts
for catch
of licensee.

53e. The Minister may contract with any fishery licensee for the purchase of fish taken or to be taken, by such licensee, and may take over such fish and deal with the same as provided by section 53c.

Powers of
Minister.

53f. The Minister may,—

- (a) Purchase or otherwise acquire such appliances, instruments, vessels, boats, nets, machinery and such other matters and things as he may deem necessary or expedient;
- (b) Erect buildings, and instal and operate plant and machinery for the preparation, cleaning and storing of fish;
- (c) Enter into agreements for transporting or transport fish;
- (d) Make arrangements for marketing, and selling fish directly to consumers or through merchants and dealers;
- (e) Generally do all such things, enter into all such contracts and make such regulations as he may deem proper for carrying out the objects of this part.

Regula-
tions.

53g. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations for the better carrying out of the objects of this part, and may confer upon the Minister such further and additional powers as may be deemed necessary or expedient for that purpose.

Expenses
and
receipts.

53h. The expenses of carrying out this part shall be payable out of any moneys appropriated by the Legislature for that purpose, and all moneys received from sales or otherwise under this part, shall be duly accounted for and be paid over into the Consolidated Revenue Fund.

CHAPTER 50.

An Act for the Protection of Insectivorous Birds.

Assented to 26th March, 1918.

WHEREAS by the Convention of the 16th day of August, 1916, made between His Majesty the King and the United States of America, it was agreed that as to certain migratory game birds, migratory insectivorous birds and migratory non-game birds, close seasons should be established and that special protection should be given to certain of such birds, and that the shipment or export of migratory birds or their eggs should be prohibited except for certain purposes, and the contracting parties agreed to place before or propose to their respective law-making bodies the necessary measures for ensuring the execution of the Convention; and whereas in pursuance to the said action the Parliament of Canada has enacted *The Migratory Birds Convention Act*, being chapter 18 of the Acts passed in the seventh year of His Majesty's reign; and whereas it is expedient that provision should be made by the Legislature of Ontario, as far as possible, to give effect to and carry out the said Convention:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Birds Protection Act*, Short title. 1918.

2. In this Act, and in the regulations,

- (a) The words and terms "close season," "migratory game birds," "migratory insectivorous birds," and "migratory non-game birds" shall have the respective meanings given to them in the said *The Migratory Birds Convention Act*;

- (b) "Minister" shall mean the Minister of Game and Fisheries;

Interpretation
"Close season,"
"migratory game birds,"
"migratory insectivorous birds,"
"migratory non-game birds."
7-8 Geo. V,
c. 18 (Dom.).

(c)

"Regulations."

(c) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act.

Regulations.

3.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make such regulations, not inconsistent with the provisions of the said Convention or of the said *The Migratory Birds Convention-Act*, as may be deemed expedient—

7-8 Geo. V,
c. 18
(Dom.)

Protection
of birds.

(a) To protect migratory game, migratory insectivorous and migratory non-game birds which inhabit Ontario during the whole or any part of the year;

Close
seasons.

(b) For fixing the periods in each year during which such migratory game, migratory insectivorous or migratory non-game birds shall not be killed, captured, injured, taken, molested or sold, or their nests or eggs injured, destroyed, taken or molested;

Permits.

(c) For the granting of permits to kill or take any such birds or their nests or eggs;

Shipment
and sale.

(d) For prohibiting or regulating the shipment or sale or dealing in any such birds or their eggs, during the close season, or for fixing the conditions upon which traffic in any such birds shall be carried on;

Killing,
etc., in
prescribed
areas.

(e) For prohibiting the killing, capturing, taking, injuring, or molesting of migratory game, migratory insectivorous, or migratory non-game birds, or the taking, injuring, destruction or molestation of their eggs or nests, within any prescribed area;

Permit for
scientific
or other
purposes.

(f) For granting permits for the killing or taking of any such birds or their nests or eggs for ornithological or biological purposes, or where under extraordinary conditions any such birds may become seriously injurious to the agricultural or other interests in any particular community;

Generally.

(g) For any other purpose which may be deemed expedient in carrying out the intentions of the said Convention, whether such regulations are of the kind enumerated in this section or not;

Officers.

(h) For the appointment of officers and other persons to carry out this Act and the regulations, and authorizing

authorizing any such officer to exercise the powers of a justice of the peace or the powers of a police constable;

- (i) Providing for the confiscation of all guns, ammunition, boats, skiffs, canoes, punts and vessels of every description, teams, wagons and other outfits, decoys and appliances of every kind, used in violation of, or for the purpose of violating this Act or any regulation, and providing that any bird, nest or eggs taken, caught, killed or had in possession in violation of any regulation, may be seized and confiscated.
- Confiscation of implements, etc.

(2) Every such regulation shall take effect from the date of the publication thereof in *The Ontario Gazette*, or from the date specified for that purpose in the regulations, and shall have the same force and effect as if enacted herein.

Effect of regulations.

(3) Every such regulation shall be laid before the Assembly within fifteen days after the publication thereof if the Legislature is then sitting, and if the Legislature is not then sitting, within fifteen days after the opening of the next session thereof.

As- To be laid before Assembly.

4. Every person who,

Offences.

- (a) Assaults, obstructs or interferes with any officer in the discharge of any duty under the regulations; or
- (b) Wilfully refuses to furnish information, or wilfully furnishes false information respecting a violation of any regulation,

shall incur a penalty of not less than \$10 and not more than \$100, and may in addition thereto be imprisoned for a term not exceeding six months.

Penalty.

5. Penalties imposed for a violation of this Act or any regulation may be recovered under *The Summary Convictions Act*, before a justice of the peace or any officer or person vested with the powers of a justice of the peace by the regulations.

Recovery of penalties. Rev. Stat., c. 50.

6. Any officer appointed under *The Ontario Game and Fisheries Act*, or any officer appointed under the regulations, or any peace officer, may enter any place or premises in which he has reason to believe that any of the birds to which this Act applies, or their nests or eggs or any part thereof, in respect of which a breach of this Act or the regulations may have

Officers' right of entry and search.

have been committed, are to be found, and may open and examine any trunk, box, bag, parcel or receptacle which he has reason to suspect, and does suspect contains any such bird, nest or egg or any part thereof.

Act to
prevail
where in-
consistent
with Rev.
Stat. cc.
262, 263.

7. Where any regulation made under the provisions of this Act is inconsistent with any provision of *The Ontario Game and Fisheries Act* or *The Protection of Birds Act*, such provision shall be deemed to be superseded by the regulation to the extent which is necessary to give effect thereto.

CHAPTER 51.

An Act to amend The School Laws.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The School Laws Amend-* Short title
ment Act, 1918.

2. Subsection 1 of section 6 of *The Department of Educa-* Rev. Stat.,
tion Act is amended by inserting therein the following ss. 1, s. 6,
clauses: amended.

- (m1) to constitute supervising examination boards, ^{Duties and powers of Minister.} and to appoint members thereof, and to prescribe the duties of such boards, and pay out of any moneys voted for that purpose, the salaries or ^{Supervising examination boards.} other remuneration, and travelling or other expenses of the members of such boards;
- (m2) to pay out of any appropriation for professional ^{Profes-} training schools the travelling, living and other ^{sional} expenses of students attending such schools ^{training} whenever the Minister deems such payment ^{schools.} necessary or desirable;
- (m3) to pay out of such moneys as may be voted for that purpose, grants to teachers of art, music, ^{Grants to teachers of art, music, household science, manual training and agriculture.} household science, manual training and agriculture and to define the basis on which such grants and agriculture may be paid;
- (m4) to apportion and pay out of such moneys as may be voted for that purpose, grants for medical and ^{Medical and dental inspection in rural schools.} dental inspection in rural public and separate schools and in public and separate schools in the territory without county organization.

3.—(1) Section 102 of *The Public Schools Act* is amended ^{Rev. Stat., c. 266, s. 102.} by adding the following as subsection 1a: amended.

- (1a) In and for the year 1918 and every subsequent ^{Addition to salaries of inspectors.} year there shall be paid to every county inspector an annual salary of \$2,500.

Rev. Stat.,
c. 266, s. 102,
ss. 2, re-
pealed.

(2) Subsections 2 and 3 of the said section 102 are repealed and the following substituted therefor:

Contribution
to
payment
of in-
spectors.

(2) To the annual salary of every county inspector the county council shall contribute for the first year of employment, \$850, for the second year of employment \$900, for the third year of employment \$950, and for every subsequent year \$1,000, and the remainder of the salary shall be payable by the Treasurer of Ontario out of the moneys appropriated for that purpose, but nothing in this subsection shall affect any special arrangement or agreement sanctioned by the Minister under which a county inspector is paid for the inspection of schools in a county or provisional county or part of a county or provisional county and is also employed as inspector in a provisional judicial district.

Rev. Stat.,
c. 266, s. 102,
ss. 3,
amended.

(3) Subsection 8 of the said section 102 is amended by striking out the figures "\$5" in the fourth line and substituting therefor the figures "\$6."

Commence-
ment of
section.

(4) The amendments made by subsections 1, 2 and 3 shall take effect as from the first day of January, 1918.

Rev. Stat.,
c. 268,
amended.

4. *The High Schools Act* is amended by adding thereto the following as section 25a:

Providing
for
scholars'
attendance
at other
high
schools.

25a. With the approval of the Minister, to be given upon the recommendation of the High School Inspector, the board may arrange for the instruction at a high school or collegiate institute in any other high school district in Ontario, of pupils who desire to take high school courses which are not provided by the board, and who are the children of ratepayers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses.

School
boards em-
powered
to postpone
opening of
continua-
tion and
high schools
in Septem-
ber, 1918.

5. Notwithstanding anything in *The Public Schools Act* and *The High Schools Act*, prescribing the dates for opening continuation schools and high schools in the month of September, the board of any such school may, by resolution of the board setting forth the reasons for such action, postpone the opening of the school in September, 1918, to a date not later than Monday, the thirtieth day of the month.

7 Geo. V.
c. 58, s. 4,
amended.

6. Section 4 of *The Teachers' and Inspectors' Superannuation Act* is amended by adding thereto the following subsection:

(2)

- (2) Subject to the regulations the commission appointed under section 13 may provide that a teacher qualified according to the regulations of the Department of Education, and engaged in teaching in Ontario in any school or classes conducted by the Government of Canada or the Government of Ontario, or under any joint arrangement between the Government of Canada and the Department of Education, or the Government of Canada and the Minister of Education, for the instruction of returned soldiers and sailors who have served during the present war, may be permitted to contribute to the fund upon the same terms as teachers and inspectors contributing under subsection 1, and that any teacher so contributing shall be admitted to the benefits provided for in sections 11 and 12 of this Act, but no contribution under this subsection shall be compulsory.

Contributions to Superannuation Fund by teachers in vocational schools for soldiers.

7. Section 8 of *The Teachers' and Inspectors' Superannuation Act* is amended by adding thereto the following subsection:

7 Geo. V, c. 58, s. 8, amended.

(2a) Where a teacher or inspector,

- (a) has been appointed, enlisted, enrolled or called out, or is employed in any branch of the military or naval services of Great Britain or any of her Allies in the present war, and in consequence thereof has ceased to be for the time being employed as teacher or inspector, or has been granted leave of absence from his employment, or
- (b) is employed by a board which refuses or neglects to comply with the provisions of subsections 1 and 2, or which by reason of non-compliance with any statute or regulation is disentitled to share in the legislative grant for the schools under its jurisdiction,

Payments to superannuation fund by persons serving in the war.

By teacher employed by Board which is not contributing.

such teacher or inspector may make his contributions directly to the fund on such terms and conditions and at such times as may be prescribed by the Regulations, and the contributions so paid shall be placed to the credit of the Fund and shall be allowed to the teacher or inspector in fixing any allowance payable to him under the provisions of this Act.

8. Section 9 of *The Teachers' and Inspectors' Superannuation Act* is repealed and the following substituted therefor:

7 Geo. V, c. 58, s. 9, amended.

Crediting
contribu-
tions from
province.

9. The contributions provided for in section 5 shall be credited to the Fund at such times and in such manner as may be prescribed by the Regulations.

7 Geo. V.
c. 58, s. 11,
ss. 4,
amended.

Sickness
benefit.

9. Subsection 4 of section 11 of *The Teachers' and Inspectors' Superannuation Act* is amended by striking out the words "and is employed on the first day of January, 1918" in the second and third lines and inserting in lieu thereof the words "and who has not ceased to be employed, and retired from his profession before the first day of January, 1918."

7 Geo. V.
c. 58,
amended.

10. *The Teachers' and Inspectors' Superannuation Act* is amended by adding thereto the following section:

Receiving
gifts, etc.,
for fund.

16a. The Treasurer of Ontario may receive any gift, devise or bequest made to, or for the purposes of the Fund and pay the same, or the proceeds thereof, into the credit of the Fund, to be applied as directed by the donor and if so directed in additional benefits to those provided by this Act, or in the absence of any such direction, to the general purposes of the Fund.

7 Geo. V.
c. 58, s. 17,
amended.

11. Section 17 of *The Teachers' and Inspectors' Superannuation Act* is amended by inserting therein the following clause:

Temporary
employ-
ment.

(bb) defining the classes of temporary special or occasional teachers and providing that persons employed in any such class shall not be liable to contribute to the Fund or be entitled to share in its benefits.

Rev. Stat.,
c. 276, s. 11,
amended.

12. Section 11 of *The Industrial Education Act* is amended by adding thereto the following subsection:

Advisory
committee
may under-
take direc-
tion as to
vocational
training.

(5) Subject to the approval of the board, an advisory industrial committee may appoint one or more officers with qualifications approved by the Minister, to collect and to distribute information regarding available occupations and employments, and to offer such counsel to the pupils of the schools under the charge of the committee as will enable them to plan intelligently for their vocational and educational advancement and every person so appointed shall be subject to the control of the advisory industrial committee.

Preamble
Toronto
and Ottawa
Superannua-
tion Funds.

13. Whereas by section 7 of *The Teachers' and Inspectors' Superannuation Act* it is provided that a corporation or board which has established a fund for the purpose of granting pensions

pensions to teachers or inspectors may pay into the Fund a sum actuarially determined to be equivalent to the pensions so granted and still payable by the corporation or board, and in addition may pay into the fund a sum actuarially sufficient to provide for the rights, granted under section 11, to those teachers and inspectors who have contributed to the fund established by the corporation or board for the payment of pensions, and that upon the payment into the Fund being made, the corporation or board shall be relieved from any further liability with respect to pensions payable or to become payable out of the fund established by it; and whereas by clause *c* of subsection 1 of section 11 of the said Act, it is provided that the contribution of a teacher or inspector to any municipal or school board fund paid over to the Fund, as provided by section 7 of the said Act, shall be considered as a contribution to the Fund; and whereas the Board of Education of the City of Toronto and the Public School Board of the City of Ottawa had established such funds prior to the passing of *The Teachers' and Inspectors' Superannuation Act* and desire to be relieved of any liability in respect of such funds except as to superannuation allowances or pensions heretofore granted and still payable out of such funds, it is enacted that:

(1) The Board of Education of the City of Toronto shall repay to the contributors to the superannuation fund of the board who were in the employment of the board on the first day of April, 1917, the amounts contributed by them respectively, since the establishment of the said fund, and the board shall include in its annual estimates for the year 1918, a sum sufficient with the balance remaining at the credit of the fund to meet such repayments to contributors and the same shall be raised, levied and collected in the said year.

Repayment
of contri-
butions by
Board of
Education
of Toronto.

(2) The Board of Education of the City of Toronto shall, in the year 1918, and annually thereafter, include in the estimates of the board a sum sufficient to meet the annual payments falling due on account of superannuation allowances granted by the board, heretofore payable out of the said superannuation fund, and the same shall be raised, levied and collected annually.

Payment of
superannua-
tion allow-
ances
already
granted.

(3) The proportion of the amount required to be raised in each year under paragraphs 1 and 2 respectively, which is properly chargeable to high school purposes shall be raised, levied and collected upon all the property liable to assessment and taxation in the city, and the remainder shall be raised, levied and collected on the property liable for taxation for public school purposes in the said city.

Raising
required
amounts.

(4)

Payment
over of
Ottawa
fund.

(4) The Public School Board of the City of Ottawa shall forthwith pay over to the Teachers' and Inspectors' Superannuation Fund a sum of \$32,000, being the amount in cash and the value on a five per cent yield basis of the municipal and government securities now at the credit of the fund and shall also pay over any additional sum which the board may have on hand as the result of contributions to the superannuation fund of the board, and shall pay into the Fund the additional sum of \$18,000, as the mortgages in which that amount is now invested may be sold or collected, and until such sum of \$18,000 is so paid over, the board shall pay into the Fund, half-yearly interest on any balance from time to time remaining unpaid, at the rate of five per cent. per annum.

Interest
payable.

(5) The Public School Board of the City of Ottawa shall forthwith pay into the Fund, interest upon the sum of \$50,000 at the rate of five per cent. per annum from the first day of April, 1917, until the date upon which the \$32,000 referred to in paragraph 4 is paid into the Fund.

Adjustment
of rights
of contribu-
tors to
Ottawa
fund.

(6) The commission appointed under section 13 of *The Teachers' and Inspectors' Superannuation Act*, shall determine, actuarially, how much of his service in the employment of the said board shall be credited to each teacher in the employment of the board prior to the first day of April, 1917, in consideration of the payments made by him into the fund referred to in paragraph 4 and the number of full years of service so determined shall be credited to each such teacher, as provided by the said clause c of subsection 1 of section 11 of the said Act.

Payment of
superannua-
tion allow-
ances al-
ready
granted by
Ottawa
Board.

(7) The Public School Board of the City of Ottawa shall, in the year 1918 and annually thereafter, include in the estimates of the board a sum sufficient to meet any annual payments falling due on account of superannuation allowances granted by the board and heretofore payable out of the said superannuation fund, and the same shall be raised, levied and collected annually, upon all the property liable to assessment and taxation for public school purposes in the City of Ottawa.

Release
of Boards
on compli-
ance with
foregoing
provisions

(8) Upon compliance on their part with the provisions of this section, the Board of Education of the City of Toronto and the Board of Public School Trustees of the City of Ottawa shall, respectively, be relieved from any further liability with respect to the said funds so established by them, except as to the payment of pensions granted before the coming into force of *The Teachers' and Inspectors' Superannuation Act*.

CHAPTER 52.

An Act to amend The Public Schools Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 54 of *The Public Schools Act* is amended by adding to the form of oath therein contained the following paragraph: Rev. Stat., c. 266, s. 54, amended.

(2a) That I am a natural born or naturalized subject of His Majesty, and am not a citizen or subject of any foreign country.

2. Subsection 1 of section 59 of *The Public Schools Act* is repealed, and the following substituted therefor: Rev. Stat., c. 266, s. 59 (1), repealed.

59.—(1) Every ratepayer of the full age of twenty-one years, who is assessed as a public school supporter in a rural school section, and every person qualified to vote as a farmer's son under *The Municipal Act*, shall be entitled to vote at the election of public school trustees in rural school sections and on all school questions. Qualification of voters.

(1a) Every person named on the last revised voters' list as being entitled to vote at municipal elections, and who is not rated as a separate school supporter, shall be entitled to vote at the election of school trustees in urban municipalities.

3. Clause (e) of section 60 of *The Public Schools Act* is amended by striking out the following words at the end thereof: "and also a list of the names alphabetically arranged of all ratepayers who are not already upon the 'Voters' List.'" Rev. Stat., c. 266, s. 60, amended.

4. Clause (g) of section 60 of *The Public Schools Act* is Rev. Stat., c. 266, s. 60, amended.

amended

amended by striking out the form of oath therein contained, and substituting therefor the following:

You swear (*or solemnly affirm*) that you are the person named (*or intended to be named*) in the list of voters now shown to you (*showing the list to voter*);

That you are of the full age of twenty-one years;

That you are a public school supporter;

That you are a natural born or naturalized subject of His Majesty, and that you are not a citizen or subject of any foreign country;

That you have not before voted for school trustee at this election at this or any other polling place in this ward (*or in this municipality where the municipality is not divided into wards*) for school trustee;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God.

CHAPTER 53.

An Act to provide for the Payment of an Annuity
to the University of Toronto.*Assented to 26th March, 1918.*

WHEREAS it is desirable that the Province of Ontario Preamble.
should give financial assistance to the University of
Toronto for its research work in preventive medicine at the
Connaught Laboratories:

Therefore His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. This Act may be cited as *The University Aid Act*, Short title.
1918.

2. For the purpose mentioned in the preamble of this Annuity
Act, the Lieutenant-Governor in Council may, on behalf of to the
the Province of Ontario, contract with the Board of Gover- University
nors of the University of Toronto to pay them an annual of Toronto.
sum or sums not exceeding in all \$3,750 per annum for a
period not exceeding ten years from the 1st of November,
1917.

CHAPTER 54.

An Act to amend The Upper Canada College Act.

Assented to 26th March, 1918.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.
c. 280, s. 10,
amended.

1. Section 10 of *The Upper Canada College Act* is amended by adding thereto the following subsection:

Where lands
taxable in
Township
of York.

(3) Where it is alleged by the Corporation of the Township of York that land situate in the said township which has been vested in the college, or any interest in such land, has been sold or disposed of, or has become vested in any other person, the Ontario Railway and Municipal Board, upon the application of the said corporation, may from time to time fix and determine,

(a) The land or interest, if any, liable to taxation as against any person other than the college by reason of such sale or disposition; and

(b) The amount at which such land or interest should be properly assessed as against such person for the purposes of taxation,

and the order of the Board shall be final and shall not be subject to appeal, and such land or interest shall be thereafter liable to assessment accordingly in the said municipality.

CHAPTER 55.

An Act respecting the Town of Collingwood.

Assented to 26th March, 1918.

WHEREAS the Municipal Corporation of the Town of Collingwood have by their petition represented that they have incurred debts and liabilities for the purpose of aiding manufactories and for other public improvements of a permanent character, including technical schools to the extent of \$79,286.16, for which amount debentures have from time to time been issued, all of which, both principal and interest, fall due and become payable within the next twenty years, and no portion of them, either for principal or interest is in arrear; and it has been further represented that no funds have been provided by way of sinking fund or otherwise for redeeming the said debentures, the same being repayable in annual instalments; and whereas the said corporation have by their petition represented that to pay off the said debt with interest, as the same becomes due, in addition to the ordinary annual expenditures and burdens, would be unduly oppressive to the ratepayers, the improvements for which the said debts were contracted being of a permanent character and the said corporation have prayed that the said debenture debt be consolidated and that they may be authorized to issue consolidated debentures from time to time, not exceeding in the whole the sum of \$79,286.16, for the redemption of the said debt; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said debts of the said Town of Collingwood, the particulars whereof are set forth in the schedule hereto annexed marked "A" are hereby consolidated at the sum of \$79,286.16, and it shall be lawful for the Corporation of the said Town of Collingwood to raise from time to time by way of loan on the credit of the corporation at large and by Consolidated Debt Debentures hereinafter mentioned, and by

Consolidation of debts.

this

this Act authorized to be issued, a sufficient sum or sufficient sums to retire the said debentures amounting to \$79,286.16 as they respectively become due, not exceeding in the whole the said sum of \$79,286.16 exclusive of the interest thereon and not exceeding in any one year the principal amount of debentures falling due in that year, as shown in said schedule "B."

Issue of
debentures.

2. It shall be lawful for the said Corporation of the Town of Collingwood, from time to time, to pass a by-law or by-laws providing for the issue of debentures to be known as Consolidated Debt Debentures, not exceeding \$79,286.16 in the whole or in any one year the principal amount of debentures falling due in that year as appears in said schedule "B" hereto, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places and in such currency as the said corporation deem expedient.

Time of
issue, rate of
interest and
period of
payment.

3. The Consolidated Debt Debentures shall be issued within one year after the passing of the by-law or by-laws severally authorizing the same, and shall bear such rate of interest as the council may in the by-law or by-laws authorizing the same provide, and shall be payable in not more than twenty years from the date of issue, and the principal of the said debt shall be payable in yearly sums, during a period not exceeding twenty years, of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years of the period in which the debentures are payable.

Special
rate.

4. The said corporation shall levy and collect, in addition to all other rates to be levied in each year, a special rate on all the rateable property in the said town, sufficient to pay the amount falling due annually for principal and interest in respect of the Consolidated Debt Debentures issued under this Act.

Application
of proceeds
of debentures.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the Town of Collingwood to the amount of \$79,286.16 as set out in schedule "A" hereto, and the said corporation shall not after the passing of this Act issue any further debentures under *The Town of Collingwood Debenture Act of 1899*, the unissued portion of the debentures authorized to be issued by that Act being included in this Act.

6. The said Town of Collingwood may from time to time purchase from the holder or holders thereof, any of the outstanding debentures set out in schedule "A" hereto, with funds raised by the sale of Consolidated Debt Debentures issued under this Act, or may exchange Consolidated Debt Debentures authorized by this Act for any outstanding debentures set out in schedule "A" hereto, and for such purposes the said town may from time to time issue Consolidated Debt Debentures under the authority of this Act. Purchase of outstanding debentures.

7. It shall not be necessary to obtain the assent of the electors of the said Town of Collingwood to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*. Assent of electors not required.

8. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of Consolidated Debt Debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts thereof and the times at which the said Consolidated Debt Debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said Consolidated Debt Debentures, and the application which shall, from time to time, be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the Consolidated Debt Debentures which shall be issued under the powers hereby conferred. Treasurer to keep proper books of account.

9. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Collingwood from any indebtedness or liability which may not be included in the said debt of the said Town of Collingwood. Indebtedness of town not discharged.

10. Any provision in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said Consolidated Debt Debentures, or any of them, by this Act authorized to be issued, Inconsistent enactment not to apply.

or of the by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said Consolidated Debt Debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing any such by-laws or of the issue of said Consolidated Debt Debentures or as to the application of the proceeds thereof.

Amendment
of by-law
No. 883.

11. The said municipal corporation may amend a certain by-law numbered 883, passed on the 15th day of October, 1917, under the authority of *The Collingwood Debenture Act of 1899*, securing payment of nine thousand dollars, with interest at the rate of five per cent. per annum, by increasing said rate to six per cent. per annum.

SCHEDULE "A."

Showing debts to be paid off by the consolidated debentures by this Act authorized to be issued.

Technical Schools	\$4,705 31
Imperial Steel and Wire	15,490 32
Patriotic Purposes	8,403 93
Consolidated Floating Debt	14,784 07
Debenture Act of 1899	35,902 53
Total	<u>\$79,286 16</u>

SCHEDULE "B."

Showing the principal amount of debentures maturing each year, and for which annual amounts consolidated debentures are by this Act authorized to be issued.

1918	\$8,478 42
1919	8,657 48
1920	6,845 75
1921	7,043 71
1922	4,451 84
1923	4,470 90
1924	4,661 11
1925	4,943 23
1926	3,871 16
1927	4,066 00
1928	2,169 61
1929	2,379 26
1930	2,503 59
1931	2,586 85
1932	2,758 87
1933	3,005 53
1934	1,681 03
1935	1,766 98
1936	1,433 92
1937	1,510 92
	<u>\$79,286 16</u>

CHAPTER 56.

An Act respecting the Township of Crowland.

Assented to 26th March, 1918.

Preamble.

WHEREAS the Municipal Corporation of the Township of Crowland has, by petition, represented that the said Township lies adjacent to the City of Welland, and that certain sections thereof are thickly populated, and it is advisable that a supply of water should be obtained for the benefit of these sections; and whereas the Corporation has prayed for the passing of an Act to enable it to assess the entire cost of establishing a water system and supplying water for the benefit of any section in the Township against the lands within the section benefited, no part of the cost being borne by the Corporation at large and that the City of Welland supply water for the use of residents in such portions of the Township of Crowland as may be mutually agreed upon, and in case of failure to agree as may be determined by the Ontario Railway and Municipal Board; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Construction of waterworks in defined areas.

1. The Municipal Corporation of the Township of Crowland may pass by-laws:

(a) To construct, maintain and operate a system of waterworks, for any defined sections or areas of the said Township;

Special rates.

(b) to require that the whole cost of construction of the trunk mains of any such waterworks system, including any claim for compensation for damages arising out of or incidental to the same, shall be raised by a special rate on all the rateable property in such section or area according to the last revised assessment roll;

(c)

(c) to provide that all branch water mains, service pipes, hydrants, stop cocks and appliances of any such waterworks system, including that part of the work at street intersections, shall be constructed as a local improvement under and pursuant to the provisions of subsection 2 of section 51 of *The Local Improvement Act* as enacted by section 9 of chapter 35 of the Acts passed in the fifth year of the reign of His Majesty King George the Fifth;

Rev. Stat.
c. 193.

(d) to provide, notwithstanding anything contained herein, that when a main or water pipe is used both as a trunk main and a service pipe, such part of the cost of the construction thereof, including any claim for compensation for damages arising out of or incidental to the same, as the Council of the Municipal Corporation of the Township of Crowland may determine, shall be raised as provided in clause (b) and the balance thereof as provided in clause (c).

2. The said Corporation may from time to time borrow upon the credit of the said Corporation at large such sum or sums as may be necessary to defray the cost of the construction of such trunk mains of the said waterworks system, but the whole of the said cost shall be raised by the special rate mentioned in clause (b) of section 1.

Borrowing
powers.

3. The whole annual cost of maintenance, management and repair of such waterworks system, including trunk mains, branch mains, hydrants, service pipes, stop cocks and appliances in any section or area shall also be raised by a special rate on all the rateable property in such section or area according to the last revised assessment roll.

Mainten-
ance, etc.

4. The revenue arising from the supplying of water or from the property connected with the system of waterworks in any section or area, after providing for the expenses of the maintenance of the said waterworks in any year, shall form part of the funds for the maintenance and management of the said waterworks in the said section or area for the following year or years.

Application
of revenues.

5. It shall not be necessary to submit for the assent of the electors any by-law passed pursuant to the provisions of this Act, but no such by-law shall be finally passed by the Council until a certificate shall have been obtained from the Ontario Railway and Municipal Board approving of such by-law.

Assent of
electors not
required.

Validity of
by-laws.

6. Every such by-law, when the same has been approved by the Ontario Railway and Municipal Board and the debentures which may be issued in substantial conformity with its provisions, shall be valid and binding upon the Corporation and upon the lands liable for the rate imposed by or under the authority of the by-law and the validity of the by-law, and every debenture issued pursuant to the same shall not thereafter be open to question in any court.

Supply of
water.

7. The said Corporation shall not be obliged to supply water for the use of persons or institutions not within such section or area.

City of
Welland
to supply
water on
terms.

8. The Municipal Corporation of the City of Welland shall permit the Municipal Corporation of the Township of Crowland to connect water mains laid in the said Township of Crowland with the water system of the said City of Welland, and shall supply water for the use of residents of such portions of the Township of Crowland and upon such terms and conditions as may be mutually agreed upon, or, in case of failure to agree, as may be determined by the Ontario Railway and Municipal Board.

Agreement
with City
of Welland
confirmed.

9. The agreement made between the Board of Water Commissioners of the City of Welland, confirmed by the City of Welland and the Corporation of the Township of Crowland, dated February 2nd, 1918, a copy of which agreement is set out in Schedule "A" hereto is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto.

SCHEDULE "A."

Memorandum of Agreement made this 2nd day of February in the year of Our Lord, one thousand nine hundred and eighteen.

Between

The Board of Water Commissioners of the City of Welland, hereinafter called the "Board" of the first part,

and

The Corporation of the Township of Crowland, hereinafter called the "Township" of the second part.

1. Whereas the said township is desirous of purchasing a supply of water from the said board, and the said board agrees to sell water to the said township upon the terms and conditions hereunder set out.

2. The said board agrees to supply water to the said township. The points of contact between the two municipalities at which water shall be supplied shall be the intersection of South Main Street and Ontario Road, or such other point or points as may be hereinafter agreed upon between the parties.

3. The supply shall be metered at such point or points of contact and measured as to quantity of water supplied, and the
said

said township shall pay for the purchase and installation of such meters, recorders, recorder houses, meter houses, and everything connected therewith, but the board shall maintain such meters in repair, free of cost to the township.

4. Said township shall, during the winter months, at its own cost, if necessary, continuously heat all recorder houses.

5. Said township shall pay for such supply of water so metered in accordance with the amount which the meter or meters shall record.

6. Should any meter or meters for any reason fail to record accurately or fail to record at all the consumption is to be paid for by the said township for such period of failure on the basis of the consumption for the three months preceding such failure or the three months succeeding the time when such meter or meters have been placed in proper and efficient working order, as the board shall determine.

7. The said township shall pay to the said board at the rate of twenty cents per one thousand imperial gallons.

8. The said township agrees with the said board to pay to the said city the amount charged for the supply of water as provided herein quarterly upon receiving account from the board therefor.

9. The said township shall not be entitled to any rebate from the board on account of water registered or passed by the meter, and forthwith the said city may call upon the said township to pay.

10. The said township at its own expense will supply and instal all necessary mains, hydrants, valves, recorders, meters, meter houses, apparatus and services according to the plans, profiles and specifications to be provided by the Water Works Commissioners of the City of Welland, and under the supervision and inspection of the said board.

11. The said township agrees to pay the cost of such supervision and inspection.

12. The said township agrees that all mains, hydrants, services, fittings and appliances which they lay, instal, furnish and maintain shall be of the size, kind, quality and type required by the board, and shall fulfil all requirements by way of structure and test which like articles supplied and used by the said board from time to time may be required to fulfil or withstand.

13. The said township shall provide and locate all valves, fittings and appliances in such position as may be approved by the said board.

14. The said board hereby agrees with the said township to make repairs to the system of distributing mains of said township under this agreement at as early a time as practicable after notification.

15. The aforesaid repairs shall be made at the expense of the township which agrees to make payment for such repairs immediately upon receiving an account from the board therefor.

16. The board reserves the right at any time to manipulate the valves or anything connected with the water supply within the city limits for the use or protection of the city. If this shall diminish, interrupt or cut off the supply from the said township the said board or city shall not in any way be liable to the said township on account thereof.

17. This provision shall not be construed as giving the board the right of discontinuing any supply to the township under this agreement.

18. The said board undertakes to exercise all due care and diligence in order to effect the intent of this agreement, but shall not
be

be liable for any interruption, lack of continuity or variation of pressure of the water supply from any cause whatever.

19. Upon the annexation of all or any part of the said territory of said township supplied with water under this agreement, the board shall assume all outstanding debenture indebtedness incurred for the purpose contemplated in this agreement, for that portion of the territory actually annexed, but only for the unexpired term of such debenture, dated from the date of the annexation, adjustment to be made between the parties as of the date of annexation.

20. The rates provided for in this agreement may at any time be changed by mutual agreement or by The Ontario Railway and Municipal Board as hereinafter provided.

21. If the township shall at any time fail to carry out the provisions of this agreement, or any of them, after receiving twenty days' notice from the board and fail to carry out the same, it shall forthwith cease to have any rights hereunder.

22. If differences arise at any time between the board and said township under this agreement or any matters relative thereto, either party may apply to The Ontario Railway and Municipal Board for settlement of such differences.

23. This agreement shall be validated by legislation at the expense of the township.

In witness whereof the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed, attested by the hands of the proper officers, the day and year first above written.

THE BOARD OF WATER COMMISSIONERS OF THE
CITY OF WELLAND.

R. COOPER,
Chairman.

Corporate
Seal.

S. ROACH,
Secretary.

THE CORPORATION OF THE TOWNSHIP OF CROWLAND.

W. A. HEERN,
Reeve.

Corporate
Seal.

H. L. PRATT,
Clerk.

The above Agreement is approved, sanctioned and confirmed by the Corporation of the City of Welland, by By-law No. 36, passed on the 4th day of February, A.D. 1918.

M. VAUGHAN,
Mayor.

Corporate
Seal.

C. M. STAFF,
Clerk.

CHAPTER 57.

An Act to detach Certain Lands from the Police
Village of Crystal Beach.*Assented to 26th March, 1918.*

WHEREAS, the owners, in fee simple, of all the prop-^{Preamble.}
erty in that part of the Police Village of Crystal
Beach in the Township of Bertie, in the County of Welland,
lying west of Lot Number Twenty-nine, Plan Thirty, being a
subdivision of part of Township Lots Numbers Twenty-seven
and Twenty-eight, broken front concession, Lake Erie, in the
Township of Bertie, have by their petition, represented
that the Police Village of Crystal Beach was established,
pursuant to *The Municipal Act*, by By-law Number 675 of <sup>Rev. Stat.
c. 192.</sup> the County of Welland, passed on December 7th, A.D. 1898;
that the lands lying west of the west limit of said Lot Num-
ber Twenty-nine, Plan 30, Bertie, have a lake frontage of
about two thousand feet and consists of a row of lots along
the lake front, having a depth of about three hundred feet;
that the said Police Village has a lake frontage of about
8,500 feet and consists of a row of lots along the lake, except
Township Lot Number Twenty-five, broken front concession,
Lake Erie, which is all contained in said village. The main
part of the said village consists of said Township Lot Number
Twenty-five, and is largely owned, governed and controlled by
the Lake Erie Excursion Company, who operate a line of
steamships from the City of Buffalo to Crystal Beach, and
carry on the business of a summer resort; that the part of the
village lying west of said Lot Number Twenty-nine, Plan
Thirty, consists of private residences, the property of the pe-
titioners, and has no connection whatever with the village
proper, or summer resort; that the population of that part
of the village lying west of said Lot Number Twenty-nine,
Plan Thirty, which it is proposed to detach, as shown by the
last revised Assessment Roll is seven. The assessment
of the whole village for the year 1917 is \$344,800. The
assessed value of that part of the village which it is proposed
to detach is \$26,500. The said police village is not in debt
in any amount whatever, and the revenue of the police village
is applied almost entirely for that part of the village consist-

ing

ing of the summer resort and your petitioners, though they pay considerable amounts towards the expenses of said village derive no benefit in the way of police protection, fire protection, water, light or otherwise; that there are no highways in or about that part of the said police village west of the said Lot Number Twenty-nine, Plan 30, and the only access to that part of the village which it is proposed to detach, is either along the lake shore, or by means of The Erie Road Extension, a macadam highway in the rear of the petitioners' property, but in the Township of Bertie, constructed as a local improvement by the Township of Bertie, upon the petition of the petitioners, at an expense of over \$20,000, which highway is being paid for by the petitioners, in addition to which the petitioners are assessed for the sidewalks and streets in the other part of the Police Village of Crystal Beach, which are constructed out of the general funds and not as local improvements; and whereas the petitioners have prayed than an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Certain
lands de-
tached
from police
village.

1. Upon and from the 22nd day of December, A.D. 1918, all that part of the Police Village of Crystal Beach lying west of the west limit of Lot Number Twenty-nine, Plan Thirty, being a subdivision of part of Township Lots Numbers Twenty-seven and Twenty-eight, broken front concession, Lake Erie, Township of Bertie, be detached from the Police Village of Crystal Beach and form part of the Township of Bertie, for all purposes as though it had never formed part of the said police village.

Assets and
liabilities.

2. All the assets of the Police Village of Crystal Beach are to remain the property of the said village, and the liabilities of said village, if any, are to be paid by the Police Village of Crystal Beach.

Adjustment
by Ont. Ry.
and Mun.
Board.

3. Should any difference arise between the Township of Bertie and the Police Village of Crystal Beach as to these assets or payment of the liabilities, the matter is to be settled by The Ontario Railway and Municipal Board, upon the application of either party.

CHAPTER 58.

An Act to Incorporate the Village of Deloro.

Assented to 26th March, 1918.

WHEREAS certain owners and resident tenants of a Preamble district in the Township of Marmora, one of the United Townships of Marmora and Lake, in the County of Hastings, have, by petition, represented that the said district, comprising about 302½ acres of land in such township, is owned by the Deloro Smelting and Refining Company, Limited, and such other owners, part of which is used as a site for the Company's smelting and refining works, and a further part thereof as sites for a large number of dwelling houses, erected thereon by the said company and leased to and occupied by the employees of the company as tenants thereof; and whereas it has been made to appear that the company intend from time to time to extend their plant and increase the number of their employees and erect more dwelling houses for their accommodation; and whereas it has further been made to appear that it is intended to open up streets in the said lands and to lay down and construct sidewalks and pavements and to establish fire protection, waterworks, sewerage, light and other public service works for the use of the inhabitants of such lands; and whereas the construction of all such works will be facilitated by erecting the said district into a village; and whereas the said petitioners have prayed that an Act be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On and after the first day of January, 1919, the district, consisting of all that part of the said Township of Marmora described as follows, and being composed of: All and singular, that certain parcel or tract of land, being of the total extent of three hundred and two and one-half acres, more or less, including certain roads and streets, also part of the bed of the River Moira, and being composed of the easterly halves of lots numbers 9 and 10, and the north

Lands
included in
village.

three-fourths of the easterly half of lot No. 8, in the eighth concession of the Township of Marmora, in the County of Hastings, and which may be more particularly described as follows, that is to say: Commencing at the north-easterly angle of the east half of the said lot No. 10 as above spoken of; thence southerly and following the eastern boundary of same thirty chains (1,980 feet) more or less, completely across said lot, and continuing in same direction as above, thirty chains (1,980 feet), more or less, completely across and along the easterly front of the adjoining lot No. 9 and further continuing in said direction, along and partly across, to a distance of twenty-two and one-half chains (1,485 feet), more or less, the front of the next adjoining lot No. 8, passing along same and including the northerly three-fourths of the east front of this lot to a post; thence westerly (south 72° and 9 minutes west) parallel to the southerly boundary of said lot No. 8 thirty-six chains and ninety links (2,435 feet), more or less, to the western boundary of said half lot No. 8; thence northerly along this said western boundary of east half of said lot No. 8, twenty-two chains and fifty links (1,485 feet) more or less, to the north-west angle of said half lot; thence continuing northerly and along the western boundary of the east half of the adjoining lot No. 9, thirty chains (1,980 feet), more or less, to the north-western angle of said half lot; thence still proceeding northerly and along the western boundary of the east half of the next adjoining lot No. 10, a further distance of thirty chains (1,980 feet), more or less, to the north-westerly angle of this said half lot, and thus to the southerly side of the adjoining allowance for road; thence easterly (north 72° and 9 minutes east) and along the northerly limit (southerly limit of above road allowance) of said east half of said lot No. 10, thirty-six chains and ninety links (2,435 feet), more or less, to the place of beginning, comprising in all (including all present roads and streets now in use in said lots as also portion or portions (see plan) of the bed of the River Moira) (Sagarnasco Sepee) an area of three hundred and two and one-half acres, be the same more or less, shall be and the same is hereby erected into a village.

Incorporation.

2.—(1) On and after the said first day of January, 1919, the inhabitants of the said village shall be and they are hereby incorporated as a village, under the name of "The Corporation of the Village of Deloro," and such village shall have, possess and enjoy all the rights, powers and privileges and be subject to the liabilities and obligations of a village incorporated under the provisions of *The Municipal Act*. The said village shall be separate from the Township of Marmora.

(2) The council of the said village shall be composed of a reeve, who shall be the head thereof, and as many deputy reeves as the village is entitled to and three councillors to be elected by general vote, subject, however, to the number of councillors being changed at any time under the provisions of *The Municipal Act* then in force. Council—how composed.

(3) The first election shall be held at the Deloro Hall in the said village and Sidney B. Wright of the said village shall be the returning officer.

3.—(1) The land comprised in the said village is hereby detached from the Township of Marmora and the Village of Deloro shall form a separate and independent municipality, but shall form part of the County of Hastings. Land detached from township.

(2) Save as in this Act otherwise expressly provided all the provisions of *The Municipal Act* and of any other general Act applicable to villages shall apply to the said village to the same extent as if the said village had been incorporated under the provisions of *The Municipal Act*. Application of Rev. Stat. c. 192.

(3) The provisions of *The Municipal Act* relating to matters consequent on the formation of a new corporation shall apply to the Corporation of the Village of Deloro and the Township of Marmora and the United Townships of Marmora and Lake.

4. The expenses incurred in obtaining this Act, and those of furnishing any documents, copies of papers, writings, deeds or any matters whatsoever required by the reeve or other officer of the said village or otherwise, shall be borne by the said Village and paid by it to any persons that may be entitled thereto. Expenses of Act.

5. The council of the said village shall cause a plan of the lands described in section 1 of this Act, made and certified by an Ontario land surveyor, to be registered in the office of the Registry Division in which the said land is situate, and the Registrar shall receive and record the same. Registration of plan of village.

CHAPTER 59.

An Act respecting the County of Essex.

Assented to 26th March, 1918.

Preamble.

Rev. Stat.
c. 40.

WHEREAS the County of Essex has by its petition represented that the said corporation at its June session in the year 1916, passed By-law No. 374 under the provisions of *The Highway Improvement Act*, adopting a system of highways for improvement; and that the highways so designated for improvement have a total mileage of one hundred and thirty-eight miles; and that the improvement to the said highways contemplated by the county involves an expenditure of about \$600,000; and that in the construction of the said improvements a large amount of sand and gravel will be required, and in anticipation of such need the county purchased a gravel bed of several acres in lot number twelve, in the third concession of the Township of Gosfield South; and that the highways so designated under the said by-law are all located in the northerly half of the county, while the gravel lands are situated near the shores of Lake Erie in the southernmost part of the county; and that to bring the said gravel by team a very long haul will be required, increasing the cost of construction and seriously hampering the progress of the work; and that the Michigan Central Railroad Company, which operates a branch line from Leamington to Comber also owns a gravel bed in the fourth concession of the Township of Gosfield South immediately across the highway from the lands purchased by the county, and for the purpose of hauling gravel from its said gravel bed the railroad company has constructed a spur line from the said branch thereto; and that the County of Essex has made arrangements with the said railroad company by which the county will be enabled, by extending the spur line across the highway, to transport the sand and gravel from its gravel bed over the spur line to the said branch line of the railroad, from there to be carried by the railroad company to the City of Windsor and other convenient places along the main line of the said railroad company; and that for such purpose a written agreement has been entered into by the county and the railroad company, bearing date the 31st day of December, 1917 and the same is set out in the
schedule

schedule hereto annexed; and that it may become necessary for the county to purchase other gravel beds in other parts of the county, or in other counties along the line of the same or other railroads, and for the transportation of such sand and gravel it may be necessary to enter into other agreements for similar purposes; and that there is some doubt as to the power of the county to enter into the said agreement and to undertake and do the matters and things therein provided for, and it is desired that power and authority in respect thereto be granted and the said agreement be confirmed; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement, bearing date the 31st day of December, 1917, entered into between the County of Essex and The Michigan Central Railroad Company, set forth in the Schedule "A" annexed to this Act is hereby confirmed and declared valid and binding upon the parties, and the County of Essex is hereby authorized and empowered to do and perform the matters and things on its part therein provided for and such agreement shall be in all respects legal and binding as fully and effectually as if embodied in and forming part of this Act.

Agreement
between
County of
Essex and
M. C. Ry.
confirmed.

2. The said County of Essex, as occasion may require, is hereby further authorized and empowered to enter into other agreements of like tenor and effect and for similar purposes, with any other railroad company or common carrier, in respect of the lands mentioned in the said agreement, or any other lands which the said county may find it necessary to purchase or acquire in connection with its schemes of highway improvement, and such agreement when so entered into shall be in all respects legal and binding upon the parties thereto.

Power to
enter into
further
agreements.

SCHEDULE "A."

This Agreement made this thirty-first day of December, one thousand nine hundred and seventeen

Between

The Michigan Central Railroad Company, Lessee of the Canada Southern Railway Company (hereinafter called the "Railroad Company), of the first part,

and

The Corporation of the County of Essex (hereinafter called the "Municipality"), of the second part.

Whereas the municipality passed by-law No. 374 under the provisions of *The Highway Improvement Act*, being Chapter 40 of the Revised Statutes of Ontario, 1914, and amendments thereto, and of *The Ontario Highways Act* being Chapter 17 of the Statutes for the year 1915, and said by-law has been approved by the Lieutenant-Governor in Council, pursuant to section 12 of the said *Highway Improvement Act*;

And whereas for improving the highways referred to in said by-law, the municipality has acquired a certain gravel pit in the Township of Gosfield South, in the County of Essex, situate at or near the spur or branch line of the railroad company leading to the gravel pit owned by the railroad company in the said township;

And whereas the municipality for the purpose of distributing gravel from its said pit for the improvement of the said highways, desires to ship the gravel taken therefrom by the railway of the railroad company at or from the point where the said spur or branch line joins the Leamington Branch of the railroad company;

And whereas for the purpose of handling and distributing the said gravel in a satisfactory and economical manner for the purpose aforesaid, the municipality desires to use and operate the gravel spur of the railroad company upon the terms and conditions hereinafter contained:

Now therefore this agreement witnesseth that in consideration of the premises, and of the sum of ten dollars paid by the municipality to the railroad company (the receipt of which is hereby acknowledged) the railroad company hereby grants to the municipality the permission, right and privilege of using and operating so much of the said gravel spur leading from its Leamington Branch to the gravel pit of the railroad company as will enable the municipality to take in empty cars to its gravel pit and to bring therefrom loaded cars of gravel for shipment *via* the railway of the railroad company, upon and subject to the terms and conditions following, that is to say:

1. The municipality shall haul the empty cars from the junction of the gravel spur with the Leamington Branch of the railroad company to its gravel pit and shall haul the loaded cars of gravel from its said gravel pit to the said junction by its own motive power.

2. The municipality shall maintain and keep the gravel spur line in good repair and in proper condition for operation, and upon the termination of this agreement shall leave the said gravel spur line in as good a condition and state of repair as at the date of this agreement.

3. The municipality shall assume, and hereby assumes, all risk of loss, damage or injury which shall in any manner occur to its property or to the property in its custody or to its employees or to third persons or the property of employees or the property of third persons from or by reason of its user and operation of the said

gravel

gravel spur during the continuance of this agreement, and shall save the railroad company harmless and indemnified from such loss, damage or injury and from all liability and claim therefor and from all consequent costs and expenses.

4. This agreement shall be and remain in force for the period of one year from its date, and thereafter until termination by either party hereto, but in no event shall this agreement extend beyond the period of five years from its date.

5. Either party hereto, after the expiration of one year from the date of this agreement, may give to the other party notice of termination of this agreement, and upon the expiration of ten days from the service of such notice, this agreement shall thereafter cease to be effective.

6. Neither this agreement, nor anything herein contained, shall prevent the railroad company from using the said gravel spur for its railway purposes and of obtaining gravel from its own gravel pit, and all rights of the railroad company in respect of the said spur which are not inconsistent with this agreement are hereby expressly reserved.

7. Nothing in this agreement contained shall be deemed in any way to impair or restrict the powers of the Board of Railway Commissioners for Canada, and all the provisions of *The Railway Act* now applying to the railroad company shall continue to apply to the same during the continuance of this agreement.

In witness whereof each of the parties hereto has caused this agreement to be duly executed by its proper officers.

Witness:

JOHN F. MILLEN as to signature of CHAS. B. WHALEN and W. P. COYLE.

CHARLES B. WHALEN, *Warden.*

W. P. COYLE, *Clerk.*

THE MICHIGAN CENTRAL RAILROAD COMPANY,

By E. D. TRONMER,
Vice President and General Manager.

CHAPTER 60.

An Act respecting the City of Fort William.

Assented to 26th March, 1918.

Preamble.

WHEREAS the Corporation of the City of Fort William has by petition represented that By-law Number 1830, of the said city entitled "A by-law to raise the sum of \$225,000.00 by way of debentures for the purpose of taking care of the deficits in connection with the City's Electric Street Railway," as set out in Schedule "A" hereto, was duly published as required by law in a newspaper published at Fort William prior to the date of voting thereon; that the said by-law was submitted to the electors of the said city entitled to vote thereon on Monday, the 7th day of January, 1918, when the following was the result of the polling in respect of such by-law, namely: Out of a total of 3,950 votes entitled to be polled in respect thereof, 301 votes were polled in favor of such by-law, and 132 votes were polled against the same; that the said by-law was finally passed by the council of the said city on the 22nd day of January, 1918, and that no application has been made to quash the said by-law, nor is there any action pending wherein the validity of the said by-law is or may be called in question; and whereas the said city has by petition further represented that the rateable property of the City of Fort William, as appears by the last revised assessment roll of the said city, is \$22,784.989.00, plus a sufficient further amount to produce \$30,000 in taxes in each year, such said sum of \$30,000 being the fixed sum which the Canadian Pacific Railway Company is bound to pay yearly in lieu of all municipal taxation, and the present debenture debt of the said city is \$5,368,226.26, made up as follows:—

Street Railway Debenture Debt.....	\$1,142,000 00
Waterworks Debenture Debt	1,436,584 83
Electric Light Debenture Debt.....	335,305 80
Telephone Debenture Debt	390,000 00
General Debenture Debt	1,597,899 59
School Debenture Debt	472,436 14

of

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$1,066,-342.33 has been provided; and whereas the said city has by petition further represented that the said city has owned and operated an electric street railway and still owns and operates the same; that owing to the war and the decreased population consequent thereon, deficits have occurred in the operation of the said electric street railway, made up as follows:—

For the year 1914	\$29,162 54
For the year 1915	65,270 19
For the year 1916	64,820 68
For the year 1917	65,746 59

which amount is owing to the bank, and there appears to be no other way of financing the liability created by such deficits except to issue debentures as provided in the said by-law; and whereas the said city has by petition prayed for special legislation in respect of the above and other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law Number 1830 of the said city entitled “A by-law to raise the sum of \$225,000.00 by way of debentures for the purpose of taking care of the deficits in connection with the City’s Electric Street Railway” as set forth in Schedule “A” hereto, is hereby declared to be and to have always been since the 22nd day of January, 1918, a legal, valid and existing by-law of the said city, and the debentures which have been or may hereafter be issued thereunder shall, from the date of such issue, be valid and binding upon the said city and the ratepayers thereof.

By-law
No. 1830
confirmed.

2. In case there shall be a deficit in the operation of the City’s Electric Street Railway in any calendar year subsequent to the year 1917, the council of the City of Fort William shall include in the estimates of the following year the amount of such deficit and shall in such following year assess and levy on the whole rateable property within the municipality a sum sufficient to pay such deficit and the interest thereon.

Requirement
as to raising
deficit by
special rate.

SCHEDULE "A."

CITY OF FORT WILLIAM.

BY-LAW No. 1830.

A by-law to raise the sum of \$225,000.00 by way of debentures for the purpose of taking care of the deficits in connection with the City's Electric Street Railway.

Whereas the following deficits have occurred in connection with the City's Electric Street Railway System, and the operation thereof, namely:

For the year 1914.....	\$29,162.54
For the year 1915.....	65,270.19
For the year 1916.....	64,820.68
For the year 1917.....	65,746.59

which deficits were occasioned by reason of the war and the consequent reduction in population and the increase in operating charges.

And whereas the Council of the city deem it advisable to provide for the said deficits by the issue of debentures as herein mentioned;

And whereas the said sum of \$225,000.00 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll is \$22,784,989.00 plus a sufficient further amount to produce \$30,000 in taxes in each year, such said sum of \$30,000 being the fixed sum which the Canadian Pacific Railway Company is bound to pay yearly in lieu of all municipal taxation;

And whereas the existing debenture debt of the said city, exclusive of local improvement debentures, amounts to \$5,368,226.36, made up as follow:

Street Railway Debenture Debt	\$1,142,000.00
Waterworks Debenture Debt	1,436,584.83
Electric Light Debenture Debt	335,305.80
Telephone Debenture Debt	390,000.00
General Debenture Debt.....	1,597,899.59
School Debenture Debt	472,436.14

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$1,066,342.33 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of the said corporation to the amount of \$225,000.00, bearing interest at five per centum per annum, payable half-yearly;

And whereas it will require the sum of \$11,250.00 to be raised annually for a period of twenty years (the currency of the debentures to be issued under and by virtue of this by-law) to pay the interest on the said debt, and the sum of \$7,555.89 to be raised annually during the said period for the payment of the said debt intended to be created by this by-law, such last-mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes due and payable, making in all the sum of \$18,805.89 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$18,805.89 to be raised annually for a period of twenty years by a special rate on the whole rateable property in the said City of Fort William for the payment of the said debt and interest as aforesaid;

Therefore

Therefore the Corporation of the City of Fort William enacts as follows:

1. The Corporation of the City of Fort William may borrow the said sum of \$225,000.00 on the credit of the said Corporation for the purposes aforesaid, and may issue debentures of the said Corporation to the extent of \$225,000.00 either in currency or in sterling money, in sums of not less than \$100 Canadian currency, or £20 sterling, each payable within twenty years from the date of issuing such debentures, and to bear interest at five per centum per annum, payable half-yearly.

2. The said debentures shall bear date as of day of issue thereof and shall be signed by the Mayor and Treasurer thereof and sealed with the corporate seal.

3. During the said period of twenty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said city, in addition to all other rates, levies and assessments, the said sum of \$11,250.00 to pay the interest on the said debentures, and also the further sum of \$7,555.89 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the sum of \$18,805.89 to be raised annually as aforesaid.

4. The said debentures shall have attached thereto coupons for the payment of interest thereon, and the said debentures as to principal and interest shall be payable at the following places, namely: Office of the City Treasurer, Fort William, Canada; office of Bank of Montreal, Montreal, Canada; Toronto, Canada; London, England, and New York City respectively.

5. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable, except by entry by the Treasurer or his Deputy in the Debenture Registry Book of the said Corporation, at the said City of Fort William," or to like effect.

6. This by-law shall come into force on the day of the final passing thereof.

Done and passed in Council this 22nd day of January, A.D. 1918, as witnessed by the Corporate Seal of the said city and the hands of its Mayor and Clerk.

H. MURPHY,

Mayor.

[Seal]

A. McNAUGHTON,

Clerk.

TAKE NOTICE.

1. Take notice that the foregoing is a true copy of a proposed by-law of the Corporation of the City of Fort William to be submitted to the votes of the electors at the same time and at the same places as the annual election for the Municipal Council, and the Deputy Returning Officers appointed to hold the said election shall take the vote.

2. And that the 29th day of December, 1917, at ten o'clock in the forenoon, at the City Hall, in the said municipality, has been fixed for the appointment of persons to attend at the polling places and at the final summing up of the votes by the Clerk.

3. And that if the assent of the electors is obtained to the said proposed by-law, it will be taken into consideration by the Municipal

cipal Council of the said Corporation at a meeting thereof to be held after the expiration of one month from the date of the first publication of this notice, and that such first publication was made on the 8th day of December, A.D. 1917.

4. Take notice further that a tenant who desires to vote upon said proposed by-law must deliver to the Clerk, no later than the tenth day before the day appointed for taking the vote, a declaration under *The Canada Evidence Act* that he is a tenant whose lease extends for the time for which the debt or liability is to be created, or in which the money to be raised by the proposed by-law is payable, or for at least twenty-one years, and that he has by the lease covenanted to pay all municipal taxes in respect of the property of which he is a tenant, other than local improvement rates.

Dated at Fort William, this 8th day of December, A.D. 1917.

A. McNAUGHTON,
City Clerk.

CHAPTER 61.

An Act respecting the Town of Gananoque.

Assented to 26th March, 1918.

WHEREAS the Municipal Corporation of the Town of Preamble.
Gananoque has by its petition represented that it has incurred a floating indebtedness of \$28,000 under the following circumstances: During the year 1917 there was spent upon capital expenditure for water works and sewerage the sum of \$12,000, which amount is now due and owing; and whereas by a recent award of the Judge of the County Court of the United Counties of Leeds and Grenville the county rate during the past three years has been three times the amount that it has been in the past, and there has also been a largely increased and unexpected expenditure upon public schools; and whereas owing to the foregoing and other causes, as well as to the loss of revenue formerly obtained from liquor licenses, the municipal expenditures have been in excess of the receipts from municipal taxation during the last three years by the sum of \$15,000; and whereas said sum of \$15,000 is due and owing; and whereas the further expenditure of \$3,000 for the purpose of the installation of an electric pump, which will be run by water power, will be required and will operate as a saving, owing to shortage and cost of coal; and whereas it is estimated that there will be for the future a substantial increase from water rates; and whereas the debenture debt of the said town, exclusive of local improvement debts, is \$217,543, of which no part of the principal or interest is in arrear; and whereas the fixed assets of said town are upwards of \$360,000; and whereas the rateable property of the said Corporation for municipal purposes, according to the last revised assessment roll, is \$1,518,613, and the rate for municipal purposes for 1917 was 25 mills on the dollar; and whereas the payment forthwith of the sum of \$30,000 would, in war times and in addition to meeting the necessary annual expenditures of the Corporation, be unduly burdensome and oppressive on the ratepayers of the town; wherefore the Corporation of the Town of Gananoque prays that authority be given to borrow \$30,000, namely, \$15,000, to pay off the floating municipal debt of the said town and \$15,000 to pay off the sum of \$12,000 now due

and

and owing for certain necessary capital expenditures for extensions upon waterworks and sewers of said town, together with \$3,000 for the installation of an electric pump; and whereas the Minister of Finance of the Dominion of Canada has agreed to issue the necessary certificate for the issue of said debentures in accordance with the Order-in-Council passed on the 22nd December, 1917; and whereas it is expedient to grant the prayer of said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Consolidation of floating debt.

1. The floating debt of the Corporation of the Town of Gananoque is consolidated at the sum of \$30,000, and the said Corporation may borrow by a special issue of debentures a sum not exceeding \$15,000 for the purpose of paying such floating debt now due and owing for municipal purposes apart from water and sewerage.

Power to borrow \$15,000 for waterworks and sewers.

2. The said Corporation may also borrow by a special issue of debentures a sum not exceeding \$15,000, \$12,000 to be devoted to paying off the present capital indebtedness for expenditures upon water and sewerage in 1917, and the sum of \$3,000 to be devoted to the installation of an electric pump.

Term of debentures.

3. The said debentures shall be payable in not more than thirty years from the date of issue thereof, and shall bear interest at a rate not exceeding six per cent. per annum, and may be issued with or without coupons attached thereto for interest, and shall be payable at such place or places as the Corporation may deem expedient.

Equal annual instalments of principal and interest.

4. The said debentures may be issued payable in equal annual instalments of principal and interest, in such manner and in such amounts that the amount payable for principal and interest in any year shall be equal as nearly as possible to what is payable for principal and interest during each of the other years of the period within which the debts are to be discharged.

Special rates.

5. The said Corporation shall levy in each year during the period within which said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures, and may, if necessary for such purposes, impose a rate in excess of 25 mills on the dollar of the municipal assessment of said town.

6. The debentures and all money arising therefrom under section 1 of this Act shall be applied in payment of said floating debt and for no other purpose, and the debentures and all money arising therefrom under section 2 of this Act, shall be applied to the purposes mentioned in that section and for no other purpose.

Application
of proceeds
of debentures.

7. It shall not be necessary to obtain the assent of the electors or ratepayers of the Town of Gananoque to the passing of any by-law which shall be passed under the authority of this Act, or for the purposes of carrying out the same or to observe the formalities in relation thereto ordinarily required by *The Municipal Act* or any amendments thereto.

Assent of
electors not
required.

8. No irregularity in the form of the said debentures or any of them or of any by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said Corporation for the recovery of said debentures or interest on any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or of issuing debentures or as to the application of the proceeds thereof.

Irregularity
in form
not to in-
validate.

9. The said Corporation may, for the purposes herein mentioned, raise the money hereby authorized by way of loan on the said debentures or sell and dispose of the said debentures from time to time as it may seem expedient.

Hypotheca-
tion of de-
bentures.

10. It shall be the duty of the Treasurer, for the time being of said town to keep, and it shall be the duty of each of the members from time to time of the said Municipal Council to procure such Treasurer to keep, and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall always show the number of debentures which shall from time to time be issued under the powers conferred by the preceding sections, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or disposals of the said debentures, and application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred.

Treasurer
to keep
proper
books of
account.

CHAPTER 62.

An Act respecting the City of Guelph.

Assented to 26th March, 1918.

Preamble.

WHEREAS the Corporation of the City of Guelph has, by its petition, represented that on the 19th day of November, 1917, a certain by-law, being No. 1334 of the City of Guelph, was passed by the Council of the said City for submitting to the electors the question as to whether they were in favour of an application being made to the Legislature to pass an Act with respect to the method of election, number and tenure of office of the members of the Council, the election of the Mayor by the Council, and the management by the Council of certain of the public utilities, and for other purposes as therein set forth; and whereas the said by-law was duly submitted to the qualified electors of the City of Guelph on the first day of January, 1918, and the said electors, by a majority of votes, voted in favour of the application described in the said by-law; and whereas the Council of the Corporation of the City of Guelph is desirous of carrying into effect the provisions of the said by-law for the municipal government of the said City of Guelph; and whereas the Corporation of the City of Guelph, through the Council thereof, is desirous of granting aid during the year 1918 to the various war funds mentioned in section 1 of chapter 37 of the Acts passed in the fifth year of the reign of His Majesty King George the Fifth and amendments thereto, and to the Guelph branch of the Soldiers' Aid Commission; and whereas by chapter 53 of the Acts passed in the first year of the reign of His late Majesty King Edward VII it is provided that it shall not be lawful for the Council of the Municipal Corporation of the City of Guelph to assess, levy or collect, in any one year, on the whole rateable property in the said city a higher rate than fifteen mills on the dollar of the assessed value thereof, exclusive of school and local improvement rates; and whereas it is deemed proper and expedient by the Council of the said Corporation that power should be granted to authorize the said Corporation to assess, levy and collect a rate not exceeding four mills on the dollar in excess of the said rate of fifteen mills during the year 1918 to enable the Council of the said Corporation to make grants during the year 1918 in aid of

the

the various war funds mentioned in the said Act and amendments and to the Guelph branch of the Soldiers' Aid Commission; and whereas by section 3 of chapter 115 of the Acts passed in the tenth year of the reign of His late Majesty King Edward VII, it is provided that no sale or other disposal of the Corporation's properties, known as its public utilities, shall be valid unless and until the assent of the electors of the City of Guelph entitled to vote on by-laws relating thereto be first given thereto in manner required by *The Consolidated Municipal Act, 1903*, to any by-laws to provide for such sale or disposal; and whereas the property known as "the electric light property" was sold by the said city and the Board of Light and Heat Commissioners of the City of Guelph to Dalyte Lamp Company, Limited, by instrument bearing date 17th day of September, 1917; and whereas it is deemed proper and expedient by the Council of the said Corporation that the said sale should be confirmed so as to remove any doubts as to its validity; and whereas the said corporation by its petition has prayed that an Act may be passed for the above-mentioned purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. After the 31st day of December, 1918, the provisions of sections 1 to 10 inclusive of this Act shall apply to the Municipal Corporation of the City of Guelph, and in so far as the provisions of this Act shall alter, vary or change the provisions of *The Municipal Act*, *The Public Utilities Act*, or *The Public Parks Act*, or any of them, in respect of civic government within the City of Guelph, the provisions of this Act shall prevail.

2. For the year 1919 and thereafter the Council of the City of Guelph shall be composed of eighteen aldermen, who shall be elected by a general vote of the qualified electors of the city. Of the said eighteen aldermen, the six aldermen who shall obtain the highest number of votes at the election held for the year 1919 shall hold office for a term of three years, and the six aldermen who shall obtain the next highest number of votes shall hold office for a term of two years, and the six aldermen who shall obtain the next highest number of votes shall hold office for a term of one year; and in each year thereafter one-third of the said eighteen aldermen shall be elected by a general vote of the said ratepayers and shall hold office for a term of three years. Provided that in the event of the election by acclamation of all the aldermen for the year 1919, the six aldermen having the highest assessment in the City of Guelph, according to the last revised assessment

Application
of Act,
Rev. Stat.,
cc. 192, 204,
203.

Council—
how com-
posed.

assessment

assessment roll, shall hold office for a term of three years, and the six aldermen having the next highest assessment as aforesaid shall hold office for a term of two years, and the six aldermen having the next highest assessment as aforesaid shall hold office for a term of one year.

Election of
Mayor.

3. The said eighteen aldermen shall form the Council of the Corporation of the City of Guelph, and at the first meeting of the said Council, when so formed, held in the year 1919, and at the first meeting in each year thereafter, the said Council shall elect from its number, one of its members by a majority of the votes of such members, who shall be Mayor of the City of Guelph for the term of one year, or until his successor shall be appointed.

Method of
holding
elections.

4. The election of the said eighteen aldermen for the year 1919 shall be held and conducted in accordance with the provisions of *The Municipal Act* for the election of aldermen. And the election of the Mayor in the year 1919 and for each year thereafter shall be held and conducted by the clerk of the Corporation of the City of Guelph, at the first meeting of the Council as hereinbefore set out; and in case of a tie or an equality of votes in the election of the said Mayor, the candidate who is assessed for the highest assessment in the City of Guelph, according to the last revised assessment roll, shall be declared to be elected.

Vacancies
in office of
alderman—
How filled.

5. In the event of the death, resignation or removal from office for any cause under the provisions of *The Municipal Act* of any alderman during his term of office, the candidate at the last preceding election having the next highest number of votes shall be declared elected an alderman for the unexpired term of the person so dying, resigning or being removed from office; provided that in case of the candidates at the last preceding election having been elected by acclamation, the vacancy so created shall be filled by the election of another alderman by the Council for the unexpired term of office of the alderman so dying, resigning, or being removed from office.

Case of
death or
resignation
of Mayor.

6. In the event of the death, resignation or removal from office for any cause under the provisions of *The Municipal Act* of the mayor during his term of office, the office of alderman shall be filled in the manner prescribed in section 5 hereof, and thereupon the Council shall forthwith proceed to elect one of its members in the manner hereinbefore provided to fill the office of mayor for the unexpired term of the then current year.

7. Upon the organization of the Council, the Board of Water Commissioners, the Board of Light and Heat Commissioners, the Board of Parks Management, and the Board of Sewerage and Public Works Commissioners, and the Board of Directors of the Guelph Radial Railway Company, shall be dissolved, and the said several boards, including the Board of Directors of the Guelph Radial Railway Company, shall have no further authority or powers in respect of the utilities, works and commissions heretofore under their charge, respectively, under any Act of the Province of Ontario; but any officer or employee employed by any of the said boards in or about the construction or management of the said utilities shall be continued in office until removed by the Council, unless his engagement sooner terminates.

8. The Council to be elected for the year 1919 in the manner aforesaid, and thereafter, shall possess and exercise all the powers and rights of the said several boards and commissions (except the Board of Light and Heat Commissioners) in section 7 hereof mentioned; and the members of the Council shall be directors of the Guelph Radial Railway Company under the Acts relating to the said Company.

9.—(1) The Board of Light and Heat Commissioners of the City of Guelph shall consist of three members, of whom the Mayor shall *ex-officio* be one, and one of the others shall be appointed by the Municipal Council at its first meeting in each year, and shall hold office for two years, except for the year 1919, when the Council shall appoint two commissioners, one of whom shall hold office for one year, and the other shall hold office for two years. The Commissioners to be appointed by the Council, as aforesaid, shall not be members of the said Council.

(2) The said commission when so constituted shall be a commission under the provisions of Part 3 of *The Public Utilities Act* and shall have and possess the control and management of the construction, operation and maintenance of all works undertaken by the City of Guelph for the distribution and supply of electrical power or energy and of gas, and all other matters or things incidental thereto, pursuant to the provisions in that behalf contained in *The Public Utilities Act* and in *The Power Commission Act*.

10. The clerk of the Corporation of the City of Guelph shall be an *ex-officio* member of all committees of the Council of the City, with the right to take part in the discussions thereof, but without the right to vote upon any question; and it shall be the duty of the City Clerk, in addition to all other duties imposed upon him under *The Municipal Act* or other Acts,

Acts, to recommend from time to time to the various committees of the Council for adoption such measures as he may deem necessary or expedient, and the said clerk shall at all times keep the said committees fully advised as to the financial and other needs of the Corporation, and as to all work and matters pertaining to the work of the various committees of the said Council.

Power to
levy special
rate for
patriotic
purposes.

11.—(1) Notwithstanding anything contained in section 11 of chapter 53 of the Acts passed in the first year of the reign of His late Majesty King Edward the Seventh, it shall be lawful for the Council of the City of Guelph, during the year 1918, and for and during each year thereafter during the continuance of the present European war, to assess, levy and collect on the whole rateable property within the said City of Guelph a rate not exceeding four mills on the dollar of the assessed value thereof, for the purpose of granting aid to the various war funds mentioned in the first section of chapter 37 of the Acts passed in the fifth year of the reign of His Majesty King George the Fifth and amendments thereto, and to the Guelph branch of the Soldiers' Aid Commission.

How special
rate to be
levied.

(2) The said rate shall be assessed, levied and collected upon the whole rateable property in the said City of Guelph in the same manner as other rates are assessed, levied and collected in the said City of Guelph, and except as to the exemptions from taxation set out in section 5 of *The Assessment Act*, no partial or total exemption from assessment or taxation and no fixed assessment or other special provision or agreement shall apply to the assessment or collection of such rate, anything in any general or special Act or in any by-law or resolution of the said City of Guelph or in any contract or other instrument to the contrary notwithstanding.

Rev. Stat.,
c. 195.

Sale of
electric
light prop-
erty to
Dalyte
Lamp Co.,
confirmed.

12. Notwithstanding anything contained in section 3 of chapter 115 of the Acts passed in the tenth year of the reign of His late Majesty King Edward VII, the sale of what is known as "the electric light property" by the Corporation of the City of Guelph and the Board of Light and Heat Commissioners of the City of Guelph, to Dalyte Lamp Company, Limited, is hereby ratified, approved and confirmed; the said property being fully described in the conveyance thereof from the said City and Board of Light and Heat Commissioners to Dalyte Lamp Company, Limited, dated the 17th day of September, 1917.

CHAPTER 63.

An Act respecting the City of Hamilton.

Assented to 26th March, 1918.

WHEREAS the Corporation of the City of Hamilton Preamble. has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the Ontario Railway and Municipal Board, by Order dated the 26th day of January, 1914, annexed certain lands to the City of Hamilton upon the terms in said Order set forth, the major portion of which lands being owned by McKittrick Properties, Limited; and whereas the said City Corporation has represented that certain differences existed between McKittrick Properties, Limited, and the City Corporation and Board of Managers of the Hamilton Cemetery respecting a certain agreement between the aforesaid parties for the exchange of lands, and that McKittrick Properties, Limited, contended the said Order of Annexation dated the 26th day of January, 1914, placed unreasonable obligations and onerous conditions upon the Company; that the City Corporation, the Board of Managers of the Hamilton Cemetery and McKittrick Properties, Limited, have settled and put an end to the said differences, and the City Corporation has agreed to certain relief being granted to the said Company; that the terms and conditions of the settlement of such differences and the agreements respecting such relief are embodied in two certain agreements between the said parties, one of said agreements being annexed and set forth in By-law No. 2068 of the Council of the Corporation of the City of Hamilton, passed on the 30th day of October, 1917, as set out in Schedule "A" hereto; and whereas the said City Corporation has by said petition prayed that an Act be passed, ratifying and confirming the said by-law and the agreement therein referred to, and varying the said Order of the Ontario Railway and Municipal Board above mentioned in accordance with the terms of the said agreement, and authorizing the carrying out of the terms and conditions of the said agreement, and the ratifying and confirming of certain by-laws passed and to be passed pursuant to the terms of such agreement, to enable the City Corporation to carry out

out the provisions thereof; and whereas the City Corporation has asked that a certain agreement between S. B. Thomson, the City Corporation, the Board of Park Management of the City of Hamilton and Flora White, dated the 24th day of April, 1917, set out in Schedule "D" hereto, be confirmed and declared to be legal; and whereas the City Corporation has asked for authority to pass a by-law authorizing the City Corporation to accept the offer of Robert R. Gage dated the 10th day of April, 1917, set out in Schedule "E" hereto and to enter into the necessary agreement, without submitting the by-law to the electors qualified to vote on by-laws for the creation of debts; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No.
2068 and
agreement
confirmed.

1.—(1) By-law No. 2068 of the Municipal Corporation of the City of Hamilton, passed on the 30th day of October, 1917, a copy of which is set out in Schedule "A" hereto, and the agreement annexed to such by-law are hereby confirmed and declared legal, valid and binding according to the true meaning and intent thereof, and any debentures issued or to be issued under the provisions of the said agreement are confirmed and declared to be within the power, and are legal, valid and binding on the City Corporation, the Cemetery Board, the ratepayers and the Company.

Order of
Municipal
Board
confirmed,
subject to
amendments.

(2) (a) The Order of The Ontario Railway and Municipal Board dated the 26th day of January, 1914, with the amendments thereto hereinafter mentioned, as set forth in Schedule "B" hereto, is hereby confirmed and declared to be legal, valid and binding, and all by-laws passed or to be passed by the Council of the Corporation of the City of Hamilton thereunder pursuant to the terms of said Order, and all rates and assessments levied or made or to be levied or made thereunder, shall be valid and shall be binding on the lands therein mentioned, and upon the City Corporation, the owners of the said lands and the McKittrick Properties, Limited.

(b) Paragraph 2 of the said Order is hereby struck out and the following paragraph inserted in lieu thereof:

2. The said lands shall not be assessed for the taxes payable in the years 1914 to 1926 inclusive, for any greater amount than they were assessed at by the township assessors for the year 1913, except that where any portion of the lands hereby annexed shall be built upon, the Corporation

poration of the City of Hamilton shall, from time to time during the said years 1914 to 1926 inclusive, assess the said lands built upon and the lands used in connection therewith, or any of them, in the same manner as property in the said old boundaries of the city. The property to be assessed in the year 1926 for the taxes payable in the year 1927, the same as property in said old boundaries of the city, and the taxes upon such assessment shall be due and payable in the year 1927.

(c) Paragraph 3 of the said Order is hereby amended by striking out the figures "1919" where they occur in the last line of said paragraph, and inserting in lieu thereof the figures "1926."

(d) Paragraph 6 of the said Order is hereby amended by striking out lines 9 to 23 inclusive, and inserting in lieu thereof the following:

The city shall pay the sum of \$25,000 towards the cost of such right-of-way, and the construction of such highway, bridge and approaches, and the McKittrick Properties, Limited, shall pay the balance of such cost.

The Council of the Corporation of the City of Hamilton is hereby empowered to pass by-laws for the issue of debentures for the city's shares of such cost, namely, \$25,000; and for the issue of debentures for the share or portion of the McKittrick Properties, Limited, of such cost, namely, \$158,665, and the City Corporation is hereby empowered to annually levy a special rate on the following lands, exclusive of highways, in addition to the general rates, which special rate shall be sufficient to produce in each year the sum of \$12,731.69 for a period of 20 years, commencing in the year 1918 and terminating in the year 1937, and such special rates and assessments shall be levied and collected in the same manner as other taxes against the said lands and shall form a lien upon the said lands in the same manner as other taxes are a lien upon land.

The Ontario Railway and Municipal Board may, upon the application of the McKittrick Properties, Limited, or its successors, at any time after the passing of the said by-law levying such special rate, and after the filing of plans of surveys of

the

the above described lands or portions thereof, direct that the Council shall assess such lands or portion thereof upon the local improvement plan, and the Council shall, therefore, pass such by-law, which by-law or by-laws shall be valid and binding.

Description of lands to be specially assessed as above mentioned.

(e) The said Order is hereby amended by adding thereto the following paragraphs as paragraph 11 (a) and 11 (b):

11 (a) The Council of the Corporation of the City of Hamilton may, without submitting the same to the electors qualified to vote on money by-laws, pass such by-laws as may be necessary for raising the moneys required for carrying out the provisions of this Order.

11 (b) This Order may be amended by a further Order of the Board to effectually carry out the terms, conditions and intentions of the said Order of the 26th day of January, 1914, and of the respective agreements between the McKittrick Properties, Limited, and the City Corporations.

(3) The Ontario Railway and Municipal Board, upon the application of the McKittrick Properties, Limited, or its successors, may, at any time or times after the passing of the by-law levying the special rate mentioned in paragraph 6 of the said Order as amended by this Act, and after the filing of plans subdividing the lands or portions thereof described in said paragraph, direct that the Council shall apportion the rates and assessments for the share or portion of McKittrick Properties, Limited, of the cost of said bridge and approaches mentioned in said paragraph, upon the respective lots and parcels in such subdivision, either in proportion to their relative value or upon the local improvement plan, and the Council shall thereupon pass the necessary by-law or by-laws, which by-law or by-laws and all rates and assessments levied or made thereunder shall be valid and binding upon the said lands and upon the City Corporation, the ratepayers and owners of the said lands; and the said Board may vary such assessments from time to time, and may, with the consent of the owners of lands in the City of Hamilton other than those described in said section 6 of the Order of Annexation, direct that such other lands shall be assessed for a portion of the cost of the said bridge and its approaches.

(4) The said Order of the 26th January, 1914, may at any time or times be amended in any respect by a further order or orders of the said Board, and all matters in dispute between the parties to the above mentioned agreements shall be determined by the said Board whose decision shall be final and conclusive.

(5) By-law No. 1840 of the Council of the Corporation of the City of Hamilton for the issue of debentures for \$25,000 to pay the city's share of the cost of the McKittrick bridge and its approaches, passed on the 29th day of June, 1915, in pursuance of section 6 of the said Order of Annexation dated the 26th day of January, 1914, set out in Schedule "C" hereto, and the debentures issued or to be issued thereunder and all assessments made and to be made and rates levied or to be levied for payment of the said debentures are confirmed and declared to be legal, valid and binding upon the said City Corporation and the ratepayers thereof, and it shall not be necessary to obtain the approval of The Ontario Railway and Municipal Board thereto.

2. The agreement made between Strathearn B. Thomson, the Corporation of the City of Hamilton and the Board of Park Management of the City of Hamilton and Flora White, dated the 24th day of April, 1917, a copy of which agreement is set out in Schedule "D" hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, and the City Corporation is hereby empowered to levy and collect all rates, charges and assessments levied or made in pursuance of section 4 of the said agreement.

3.—(1) The Council of the Corporation of the City of Hamilton may, without submitting the same to the electors qualified to vote on by-laws for the creation of debts, pass a by-law authorizing the City Corporation to accept the offer of Robert R. Gage, dated the 10th day of April, 1917, set out in Schedule "E" hereto, and to enter into the necessary agreement, and upon the said by-law being duly passed by the said Council and upon the agreement being properly executed by the parties thereto, such agreement is hereby declared to be legal, valid and binding upon the parties thereto and the said parties are authorized to do all acts necessary to carry out the provisions thereof.

(2) The lands mentioned in the said offer shall when acquired by the said corporation be held and used for municipal purposes.

SCHEDULE "A"

BY-LAW No. 2068

To authorize the City Corporation to enter into an agreement between "McKittrick Properties Limited", the City Corporation and the Board of Managers of the Hamilton Cemetery.

Whereas, it is expedient to enter into an agreement between McKittrick Properties Limited and the Board of Managers of the Hamilton Cemetery;

And whereas, the terms of the proposed agreement have been settled and are contained in the proposed agreement hereunto annexed:

Therefore, the Council of the Corporation of the City of Hamilton enacts as follows:

1. The terms of the proposed agreement are hereby approved and adopted.

2. That the Mayor and City Clerk be and they are hereby authorized and directed to sign the respective contracts above mentioned, and to affix the corporate seal of the Municipality.

Passed this 30th day of October, 1917.

(Sgd.) CHARLES G. BOOKER,
Mayor.

(Sgd.) S. H. KENT,
City Clerk.

(Seal)

AGREEMENT RE CEMETERY LANDS AND ANNEXATION ORDER.

This agreement, made this 30th day of October, 1917,

Between:

McKittrick Properties Limited, hereinafter called the Company,

Of the First Part,

—and—

The Corporation of the City of Hamilton, hereinafter called the "City," and the Board of Managers of The Hamilton Cemetery, hereinafter called the "Cemetery Board,"

Of the Second Part.

Whereas, it is contended by the City that in or about the month of September, 1912, the Company and the Cemetery Board (the latter with the approval of the City Council) entered into an agreement with the Company for the exchange of lands situated in the Township of Ancaster, in the County of Wentworth, the terms of which agreement are set forth in a communication from the Cemetery Board to the Mayor and Members of the City Council, dated the 24th day of September, 1912, a copy of which is annexed as Schedule "A" to this agreement, and it is contended on the part of the Company that the Company was misled as to the acreage contained in the parcel of land to be given by the City in exchange, and that there is no agreement binding upon the Company; and differences have arisen in the premises;

And

And whereas, the Company has contended that the terms of a certain Order of Annexation made by The Ontario Railway and Municipal Board, dated the 26th day of January, 1914, submitted herewith, place unreasonable obligations and onerous conditions upon the Company;

And whereas, it is desirable that the aforesaid differences be put an end to, and the City has consented to the conditions of the said Order of Annexation before referred to, being varied in the manner hereinafter set forth:

Now this agreement witnesseth that in consideration of the premises, the parties hereto hereby agree to and with each other in manner following:

1. The provisions of this agreement hereinafter set forth shall be substituted for all the provisions set forth in the schedule hereto annexed marked "A," namely:

(a) The parties of the second part shall retain the moneys amounting to \$10,000 paid by or on account of the Company, together with the interest paid, amounting to the sum of \$1,950. The Company shall pay to the parties of the second part the amount of the three promissory notes made by the Company, amounting to \$15,000 together with interest amounting to \$675, within ten days after this agreement is ratified by the Council. If not so paid this agreement to be void and of no effect;

(b) The Company shall convey to the City certain lands in the Gore of Ancaster, being those lands not already standing in the name of the City in the Registry Office for the County of Wentworth, sufficient to make up 69 $\frac{3}{4}$ acres as shown on the plan hereto annexed as Schedule "B" in lieu of the lands mentioned in the agreement of the 24th day of September, 1912, above recited, free from all incumbrances, except the assessments for a portion of the cost of the McKittrick Bridge hereinafter mentioned; the description of such 69 $\frac{3}{4}$ acres being defined in Schedule "C" hereto;

(c) The City shall re-convey to the Company the lands known as the "Binkley and Rasberry properties" described in a certain conveyance dated the day of December, 1913, from the Company to the City, and registered the 15th day of May, 1914, as No. 13137 in book for the Township of Ancaster; and shall also convey to the Company the lands known as the "Kraft and Lewis properties," described in two certain conveyances, one from Fredolin Kraft to the City, dated the 6th day of November, 1911, and registered the 16th December, 1911, as No. 11656, in book for the Township of Ancaster, and the other from John Lewis to the City, dated the 31st day of July, 1911, and registered 9th day of December, 1911, as No. 11641, in book for the Township of Ancaster, except such portion of the said properties mentioned in paragraph (b) hereof retained by the City;

(d) Possession of the lands mentioned in paragraph (b) hereof shall be given at the same time the sums of \$15,000 and \$675 mentioned in paragraph (a) hereof are paid to the City by the Company;

(e) The City shall pay the taxes on the "Kraft and Lewis properties" for the years 1914, 1915, 1916 and 1917, and the Company shall pay the taxes on the "Binkley and Rasberry properties" for the years 1914, 1915, 1916 and 1917; the City shall be entitled to the rents of the "Kraft and Lewis properties" for said years and the Company shall have the rents on the "Binkley and Rasberry properties" for such years, except that the City shall not be charged with or pay rent for the "Binkley and Rasberry properties" subsequently to 1st January, 1917;

(f) The share or portion which it is estimated the new cemetery property shall pay towards the cost of bridge, amounting to \$14,441.55, shall be paid as follows:

The Company to pay one-half, amounting to \$7,320.78, and the parties of the second part to assume one-half, amounting to \$7,320.78. The Company to pay City its share, namely, \$7,320.78, within 30 days after the passing by Legislature of the Act ratifying and confirming the changes in the Annexation Order mentioned in paragraph 5 hereof.

(g) The Company shall, within 30 days after this agreement is ratified by the Council, file in the Registry Office the plan of the main highway through the McKittrick properties from Paradise Road to the western highway leading from new Cemetery property to such main highway, and the two highways, 66 feet wide, connecting the said Cemetery property with such main highway as defined on the plan hereunto annexed marked "D."

3. The City shall complete the extension of the water main referred to in section 4 (c) of the said Annexation Order of The Ontario Railway and Municipal Board, dated the 26th day of January, 1914, on or before the 1st day of September, 1919.

4. The Company shall forthwith convey to the City, free from incumbrance, the lands required for the highway and bridge and its approaches referred to in section 6 of said Annexation Order. The purchase money shall be paid to the Company within 30 days after the passing by the Legislature of the Act ratifying and confirming the changes in the said Annexation Order.

5. The Order of Annexation of The Ontario Railway and Municipal Board, dated the 26th day of January, 1914, shall be amended in the following manner:

(a) Paragraph 2 of the said Order shall be struck out and the following paragraph inserted in lieu thereof:

"2. The said lands shall not be assessed for the taxes payable in the years 1914 to 1926 inclusive, for any greater amount than they were assessed at by the Township Assessors for the year 1913, except that where any portion of the lands hereby annexed shall be built upon, the Corporation of the City of Hamilton shall, from time to time during the said years 1914 to 1926, inclusive, assess the said lands built upon and the lands used in connection therewith, or any of them, in the same manner as property in the said old boundaries of the City. The property to be assessed in the year 1926 for the taxes payable in the year 1927, the same as property in said old boundaries of the City, and the taxes upon such assessment shall be due and payable in the year 1927."

(b) Paragraph 3 of the said Order shall be amended by striking out the figures "1919" where they occur in the last line of said paragraph, and inserting in lieu thereof the figures "1926."

(c) Paragraph 6 of the said Order shall be amended by striking out lines 9 to 23 inclusive, and inserting in lieu thereof the following:

"The City shall pay the sum of \$25,000 towards the cost of such right-of-way, and the construction of such highway, bridge and approaches, and the McKittrick Properties Limited shall pay the balance of such cost;

"The Council of the Corporation of the City of Hamilton is hereby empowered to pass by-laws for the issue of debentures for the City's share of such cost, namely, \$25,000; and for the

issue of debentures for the share or portion of the McKittrick Properties Limited, of such cost, namely, \$158,665.00, and the City Corporation is hereby empowered to annually levy a special rate on the following lands, exclusive of highways, in addition to the general rates, which special rate shall be sufficient to produce in each year the sum of \$12,731.69 for a period of 20 years commencing in the year 1918 and terminating in the year 1937, and such special rates and assessments shall be levied and collected in the same manner as other taxes against the said lands and shall form a lien upon the said lands in the same manner as other taxes are a lien upon land;

"The Ontario Railway and Municipal Board may, upon the application of the McKittrick Properties Limited or its successors, at any time after the passing of the said by-law levying such special rate, and after the filing of plans of surveys of the above described lands or portions thereof, direct that the Council shall assess such lands or portions thereof upon the local improvement plan, and the Council shall therefore pass such by-law, which by-law or by-laws shall be valid and binding.

"Description of lands to be specially assessed as above mentioned."

(d) The said Order shall be amended by adding the following as paragraphs 11 (a) and 11 (b):

"11 (a) The Council of the Corporation of the City of Hamilton may, without submitting the same to the electors qualified to vote on money by-laws, pass such by-laws as may be necessary for raising the moneys required for carrying out the provisions of this Order;

"11 (b) This Order may be amended by a further Order of the Board to effectually carry out the terms, conditions and intentions of the said Order of the 26th day of January, 1914, and of the respective agreements between the McKittrick Properties Limited and the City Corporations."

6. In the event of the amount realized by the sale of debentures not being sufficient to pay the total cost of the said Bridge, the Company shall, immediately upon the sale of the debentures, pay to the City in cash any deficiency.

7. The parties hereto mutually agree to assist in procuring legislation authorizing the ratification and confirmation of the provisions of this agreement and the said amendments to the Order of Annexation, and the ratification and confirmation of the by-laws necessary to carry out the terms and conditions of such agreements and orders.

In witness whereof the parties hereto have hereunto affixed their corporate seals under the hands of their proper officers.

Signed, Sealed and Executed

In the presence of:

(Sgd.) CHAS. G. BOOKER,
Mayor.

(Sgd.) S. H. KENT,
City Clerk.

(Sgd.) THOMAS LOVEJOY,
Chairman,
Board of Managers of the
Hamilton Cemetery.

McKITTRICK PROPERTIES, LIMITED.

(Sgd.) G. H. LEVY,
President.

(Sgd.) W. J. SOUTHAM,
Secretary.

(Seal) McKittrick Properties, Limited.

SCHEDULE "A" TO FOREGOING AGREEMENT.

Extract from Report of Board of Control, adopted by the Council, the 30th of September, 1912.

That the Council approve of the recommendations of the Board of Cemetery Governors submitted herewith, and that leave be given to introduce a by-law respecting the matter mentioned therein, and that the Mayor and City Clerk be authorized to execute the necessary conveyances and agreements.

Hamilton, September 24th, 1912.

To the Mayor and Members of the Council of the Corporation of the City of Hamilton:

Gentlemen:

The Board of Managers of the Hamilton Cemetery have considered the offer of the firm known as The McKittrick Syndicate, to exchange the Syndicate property situated in the Gore of Ancaster, on the Dundas road, west of the line of the Hamilton & Dundas Street Railway, and formerly owned by Mr. Binkley and Mrs. Rasberry, containing about 99 acres, for the new Cemetery property recently purchased by the City from Messrs. Lewis and Kraft, containing about 106 acres, and beg to submit the following recommendations:

That the new Cemetery property above mentioned be exchanged for the property of the Syndicate above referred to upon the following conditions, namely:

1. The members of the Syndicate to enter into an agreement whereby they covenant and agree as follows:

(a) To pay the City the sum of \$25,000 in addition to the exchange of lands, to be paid in four annual payments, \$10,000 upon completion of transfers, and \$5,000 to be paid yearly on the 1st days of October in the years 1913, 1914 and 1915, with interest at six per cent. per annum from date of transfer;

(b) To open up for residential purposes the district west of the City and north of the Dundas road at an early date;

(c) To provide a street car service from the City of Hamilton westerly, running through or near the centre of the Syndicate's said property, and connecting with the present Hamilton & Dundas Street Railway line north of the Dundas road, and provide a suitable street car service on such extension, with a fare to the proposed Cemetery as low as the fare to the said residential district, and provide a regular stopping place for cars at the junction of the two railway lines, the said extension to be operated exclusively by electricity;

(d) To provide a right-of-way from the proposed Cemetery property to connect with a proposed highway leading to the Dundas Marsh, to be laid out by the Syndicate in said residential district, such highway to be within reasonable distance of the Cemetery;

(e) To secure and convey to the City, free of cost, all of that block of land at present owned by the Hamilton & Dundas Railway Company, situated to the west of the Dundas car line, and on the easterly boundary of the present Syndicate property of 99 acres, containing 100 7-100 acres more or less;

(f) To take such necessary steps to ensure to the satisfaction of the Cemetery Board that no buildings, outhouses, fences or structures of any kind will ever be allowed to be erected on the ground surrounding the Church located on the Syndicate's property;

(g)

(g) To secure the consent of the owners of the Binkley private burial ground, situated in the Syndicate's property, to transfer this ground to the City in trust for the present owners, the Board agreeing to care for the ground and provide access to it from the Cemetery driveways, in lieu of which the owners of the ground are to surrender their right to the 12-foot strip at present reserved by them;

(h) To arrange with the Hamilton & Dundas Railway Company to construct a ditch along the west side of their track from the Dundas road to the Marsh, in order to effectively drain the low ground in front of the Syndicate's property;

(i) To secure from the Hamilton & Dundas Railway Company a right-of-way for road from the north side of Syndicate's property over the tracks of the said Company.

Satisfactory titles to be given by both parties within three months from this date, Syndicate to pay above mentioned \$10,000 and give possession within said three months, and accept City's title subject to present tenancies.

The above mentioned sum of \$25,000 shall be paid to the City Treasurer, who shall place the same to the credit of a special account, to be called "New Cemetery Improvement Account," and such fund shall be under the control of the Cemetery Board, to be used only for developing and improving the new Cemetery property and for any other purpose in connection with this Cemetery property as may be approved of by the Cemetery Board.

Yours respectfully,

F. H. RUTHERFORD,

*Secretary of the Board of Managers
of the Hamilton Cemetery.*

SCHEDULE "C" TO FOREGOING AGREEMENT.

DESCRIPTION OF LANDS.

All and singular that certain parcel or tract of land and premises situate lying and being in the Township of Ancaster in the County of Wentworth, in the Province of Ontario. Being composed of part of the Gore in the First Concession of the said Township and which may be more particularly described as follows, that is to say, commencing at a point in the northern limit of the Brantford and Hamilton Stone Road, said point being distant five hundred and twenty-seven and one-tenth feet (527 1-10') measured easterly along the said northern limit from the eastern limit of the lands of the Hamilton & Dundas Electric Railway Company, said point being the south-eastern angle of the lands of one Symmons.

Thence easterly and following along the northern limit of the Brantford and Hamilton Stone Road, one thousand three hundred and seventy-nine feet and eight inches (1379' 8") to the southwest angle of the lands of James Forsyth.

Thence north one degree and thirty-one minutes west (N. 1° 31' W.) two hundred feet (200').

Thence north eighty-seven degrees and fifty-four minutes east (N. 87° 54' E.) two hundred feet (200').

Thence south one degree and thirty-one minutes east (S. 1° 31' E.) two hundred feet (200') to a point in the northern limit of the Brantford and Hamilton Stone Road.

Thence

Thence easterly and following along the said northern limit one hundred and sixty-six feet (166').

Thence north one degree and thirty-one minutes west (N. 1° 31' W.) one hundred and three feet (103').

Thence north eighteen degrees and thirty minutes east (N. 18° 30' E) thirteen hundred and forty-six feet (1346').

Thence north eighty-five degrees and twenty-eight and one-half minutes west (N. 85° 28½' W.) twenty-three hundred and sixty-eight feet (2368') more or less to a point in the aforesaid eastern limit of the lands of one Symmons aforesaid.

Thence southerly and following along the eastern limit of the said lands sixteen hundred and thirty-five feet (1635') more or less to the place of beginning.

The above described parcel of land containing by admeasurement sixty-nine and seventy-five hundredth acres (69.75 acres) to be the same more or less.

SCHEDULE "B."

THE ONTARIO RAILWAY AND MUNICIPAL BOARD

Monday, the 26th day of January, 1914.

Before

D. M. McINTYRE, K.C., Chairman.

A. B. INGRAM, Esq., Vice-Chairman.

H. N. KITTSOON, Esq., Commissioner.

In the matter of the application of W. H. Cooper and others for annexation to the City of Hamilton of parts of lots numbers nineteen, twenty and twenty-one, in the First and Second Concessions, and part of lot number twenty-one in the Third Concession of the Township of Barton, in the County of Wentworth, and part of lot number fifty-seven, in the First Concession of the Township of Ancaster, in said county, and commonly known as "The Gore of Ancaster," in which said parcels are hereinafter more particularly described and known as "McKittrick Property."

Upon the application of the petitioners herein, and upon reading the petition of the said applicants and the resolution of the Council of the Corporation of the City of Hamilton, passed on the 9th day of December, 1913, and upon hearing what was alleged by counsel on behalf of the applicants, the Corporation of the City of Hamilton and the Corporation of the Township of Barton, and the Reeve of the Township of Ancaster.

This Board doth order and proclaim that those portions of the Townships of Barton and Ancaster, in the County of Wentworth, described as follows:

All and singular those portions of the Township of Barton and the Township of Ancaster and the Township of West Flamboro, in the County of Wentworth, described as follows:

Firstly—All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Barton, in the County of Wentworth and Province of Ontario, and being composed of parts of lots numbers nineteen, twenty and twenty-one, in the First and Second Concessions, and part of lot number twenty-one in the Third Concession of the said township, and which said parcel may be more particularly described as follows: Commencing at the point where the northerly limit of the Hamilton and Ancaster Toll Road is intersected by the westerly limit of the side

side road between lots numbers twenty and twenty-one in the said township, now known as "Paradise Road"; thence northerly along the western limit of the said road to the water's edge of Coote's Paradise; thence southerly, easterly and northerly following the said water's edge in all its windings to the southerly limit of the Desjardins Canal; thence westerly following the southerly limit of the said canal to the point where the said limit is intersected by the westerly limit of the Township of Barton; thence southerly along the said township limit to the point where the said limit is intersected by the northerly limit of the Hamilton and Ancaster Toll Road; thence easterly along the northerly limit of the said toll road to the place of beginning.

The above described parcel of land, and land covered by water, being shown colored red on the plan hereunto annexed.

Secondly—All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Ancaster, in the County of Wentworth and Province of Ontario, and being composed of a part of lot number fifty-seven in the First Concession of the said township and commonly known as "The Gore of Ancaster," and which may be more particularly described as follows:

Commencing at the point where the northerly limit of the Hamilton and Ancaster Toll Road is intersected by the limit between the Townships of Barton and Ancaster; thence westerly along the northerly limit of the said road to the point where the said limit is intersected by the easterly limit of the right-of-way lands of the Hamilton and Dundas Electric Railway; thence northerly along the eastern limit of the said right-of-way lands and the said limit produced to the point where the production of the said limit is intersected by the limit between the Townships of Ancaster and West Flamboro; thence easterly along the limit between the said Townships of Ancaster and West Flamboro to the north-easterly angle of the said Township of Ancaster; thence southerly along the limit between the Townships of Ancaster and Barton to the place of beginning.

The above described parcel of land, and land covered by water, being shown colored yellow on the plan hereunto annexed, be and the same is hereby annexed to the City of Hamilton, the said annexation to take effect upon and be subject to the following conditions namely:

1. The same rate of taxation shall be levied against the said lands in the annexed territory for the year 1914 and thereafter, as shall be levied against the property within the old boundaries of the City as they existed prior to the 1st day of January 1891.

2. The said lands shall not be assessed for the taxes payable in the years 1914 to 1926 inclusive, for any greater amount than they were assessed at by the Township Assessors for the year 1913, except that where any portion of the lands hereby annexed shall be built upon, the Corporation of the City of Hamilton shall, from time to time during the said years 1914 to 1926 inclusive, assess the said lands built upon and the lands used in connection therewith or any of them in the same manner as property in the said old boundaries of the City. The property to be assessed in the year 1926 for the taxes payable in the year 1927, the same as property in the said old boundaries of the City, and the taxes upon such assessment shall be due and payable in the year 1927.

3. In the portions so added to the City all water mains, hydrants, and the opening, widening, extending, grading, altering the grade of, diverting, macadamizing, paving and improving of streets and alleys, the construction, enlarging or extending sewers, construction of curbing and sidewalks, in, upon or along any street or alley, shall be constructed at the cost of the property owners, and the whole

cost, without any reductions, paid for by them, and the City shall not be called upon to levy such cost against the said property, but all such works shall, when constructed, become the property of the City without compensation being made therefor, and the McKittrick Properties Limited shall expend at least \$250,000 for local improvements in or upon highways within the annexed territory during the years 1914 to 1926 inclusive.

4. (a) Where houses have been erected upon any of the lands in said territory abutting upon any highway in which water mains have been laid by the property owners, the City Corporation shall install water service pipes from such water mains to the houses in the same manner as in the older portion of the City and subject to the by-laws of the City Council.

(b) Before any street is paved the property owners shall construct all necessary water mains, including hydrants and sewers.

(c) The City Corporation shall extend a water main, not less than 20 inches in diameter, westerly to some point on Paradise Road selected by the City Corporation.

(d) Where water mains have been laid by and at the expense of the property owners, the lands in the annexed territory abutting upon the highway in which such mains are laid, shall not for the said years 1914 to 1919 inclusive, be chargeable with water rates except where supplied with water, and water rates shall then be charged subject to the by-laws of the City Council only against the particular parcels of land so supplied, and those parcels that may be built upon, and the land in connection therewith.

(e) The approval of the Committee on Works and the Council of the Corporation of the City of Hamilton shall be first obtained before any water main or pipe connections to be used for distributing water from the City Water Works are laid in the said territory, and no water shall be taken for other than domestic purposes except with permission first obtained from the said Committee on Works and said City Council.

5. A sewer shall be constructed by the petitioners, "McKittrick Properties Limited," from Paradise Road to the West End Sewage Disposal Works, and connected with the said Disposal Works. The size of said sewer and all works in connection therewith shall be subject to the approval of the City Engineer, and performed subject to his direction and to his satisfaction. Such sewer shall, upon completion, become the property of the City and the above-named Company shall convey to the City free of cost any private property upon which such sewer is constructed, or transfer to the City any grant or easement acquired by the Company for the right-of-way of said sewer, and the City Corporation shall pay to the Company one-half of the cost of the construction of said sewer, and the City Corporation shall be entitled to assess the lands in the City and the territory to be annexed, other than the lands of the petitioners, "McKittrick Properties, Limited," benefited by such sewer, with such one-half cost to be paid by the City Corporation.

6. The "McKittrick Properties, Limited," shall acquire at its own expense all necessary lands required for the right-of-way for the highway and bridge and its approaches shown on the plan hereto annexed and signed by A. F. Macallum, City Engineer, dated the 25th day of November, 1913, and pay all damages (if any) for lands injuriously affected, except where the right-of-way runs through or over lands owned by the City and City streets, and shall convey such right-of-way to the City Corporation.

The City shall pay the sum of \$25,000 towards the cost of such right-of-way, and the construction of such highway, bridge and approaches, and the McKittrick Properties, Limited, shall pay the balance of such cost.

The Council of the Corporation of the City of Hamilton is hereby empowered to pass by-laws for the issue of debentures for the City's share of such cost, namely, \$25,000; and for the issue of debentures for the share or portion of the "McKittrick Properties, Limited," of such cost, namely \$158,665.00 and the City Corporation is hereby empowered to annually levy a special rate on the following lands, exclusive of highways, in addition to the general rates, which special rate shall be sufficient to produce in each year the sum of \$12,731.69 for a period of 20 years commencing in the year 1918 and terminating in the year 1937, and such special rates and assessments shall be levied and collected in the same manner as other taxes against the said lands and shall form a lien upon the said lands in the same manner as other taxes are a lien upon land.

The Ontario Railway and Municipal Board may, upon the application of the McKittrick Properties, Limited, or its successors, at any time after the passing of the said by-law levying such special rate, and after the filing of plans of surveys of the above described lands or portions thereof, direct that the Council shall assess such lands or portion thereof upon the local improvement plan, and the Council shall therefore pass such by-law, which by-law or by-laws shall be valid and binding.

Description of lands to be specially assessed as above mentioned:

All and singular that certain parcel or tract of land and premises situate, lying and being in the Townships of Barton and Ancaster, in the County of Wentworth, and Province of Ontario, and being composed of part of lot number twenty-one in the First, Second and Third Concessions of the said Township of Barton, and a part of lot number fifty-seven in the First Concession of the Township of Ancaster, commonly called "The Gore of Ancaster," which said parcel or tract of land may be more particularly described as follows:

Commencing at the point where the northerly limit of the Hamilton and Ancaster Toll Road is intersected by the limit between the Townships of Barton and Ancaster; thence south eighty-two degrees and eleven minutes west (S 82° 11' W.) along the northerly limit of the said road two hundred and twenty feet (220') to a stone monument; thence north eighteen degrees and fifty-six minutes east (N. 18° 56' E.) nineteen hundred and sixty feet and two inches (1960' 2") along a fence to a point situate on the westerly production of the southerly limit of the concession road between Concessions Two and Three, in the Township of Barton; thence south seventy-three degrees and fifteen minutes east (S 73° 15' E.) along the said production eighty-nine feet and six inches (89' 6"); thence north eighteen degrees and fifty-six minutes east (N. 18° 56' E.) parallel with the limit between the Townships of Barton and Ancaster, and distant westerly therefrom one hundred feet (100') at right angles thirteen hundred and seventy-five feet and eight inches (1375' 8"); thence north seventy-one degrees and fourteen minutes west (N. 71° 14' W.) sixty-six feet (66') to the easterly limit of a brick yard; thence north eighteen degrees and fifty-six minutes east (N. 18° 56' E.) along the easterly limit of the said brick yard fifty-four feet and two inches (54' 2") to the northeasterly angle of the said brick yard; thence north seventy-one degrees and two minutes west (N. 71° 2' W.) along the northerly limit of the said brick yard four hundred and forty-five feet (445') to the northwesterly angle thereof; thence south eighteen degrees and fifty-four minutes west (S 18° 54' W.) along the westerly limit of the said brick yard fourteen hundred and ninety-three feet and eight inches (1493' 8") to the southwesterly angle of the said brick yard; thence north seventy-two degrees and twenty-seven minutes west (N. 72° 27' W.) one hundred and eighty feet (180') more or less to the easterly limit of a subdivision known as "Hamilton Gardens"; thence south nineteen degrees and three minutes west (S. 19° 3' W.) along the easterly limit of the said subdivision twenty-two hundred feet (2200')

more

more or less to a stone monument planted in the northerly limit of the Hamilton and Ancaster Toll Road; thence south eighty-one degrees and forty-one minutes west (S. 81° 41' W.) along the northerly limit of the said road four hundred and sixty-two feet and one inch (462' 1") to a stone monument planted at the southwesterly angle of the said subdivision; thence north nineteen degrees and four minutes east (N. 19° 4' E.) along the westerly limit of the said subdivision five hundred feet (500') to an iron bar planted at the north-easterly angle of the said lands of one Cochran; thence north seventy degrees and fifty-six minutes west (N. 70° 56' W.) along the northerly limit of the lands of the said Cochran two hundred and twenty feet (220') to an iron bar planted at the northwesterly angle thereof; thence south nineteen degrees and four minutes west (S. 19° 4' W.) along the westerly limit of the lands of the said Cochran six hundred and eleven feet and ten inches (611' 10") to an iron bar planted in the northerly limit of the Hamilton and Ancaster Toll Road; thence westerly following the northerly limit of the said road twenty-one hundred and seventy feet (2170') more or less to a post planted in the easterly limit of a fifty-foot right-of-way leading northerly from the said toll road; thence north one degree west (N. 1° W.) along the easterly limit of the said right-of-way sixteen hundred and sixty-three feet and eight inches (1663' 8") to a jog in the said limit; thence south eighty-seven degrees and forty-seven minutes west (S. 87° 47' W.) along a fence nine hundred and eighty-five feet (985') to the easterly limit of the right-of-way lands of the Hamilton and Dundas Electric Railway; thence north five degrees and thirty-four minutes west (N. 5° 34' W.) along the easterly limit of the said right-of-way lands and the said limit produced sixteen hundred feet (1600') more or less to the water's edge of Coote's Paradise; thence easterly following the water's edge of Coote's Paradise in all its windings to the point where the said water's edge is intersected by the westerly limit of the side road between lots twenty and twenty-one in the Township of Barton, commonly known as "Paradise Road"; thence south eighteen degrees west (S. 18° W.) along the westerly limit of the said Paradise Road three thousand nine hundred and ninety-four feet (3394') more or less to the northerly limit of the concession road between Concessions Two and Three, in the said Township of Barton; thence north seventy-two degrees and fifty minutes west (N. 72° 50' W.) along the northerly limit of said Concession road eight hundred and thirty-one feet and five inches (831' 5") to the easterly limit of a brick yard; thence north eighteen degrees and twenty-three minutes east (N. 18° 23' E.) along the easterly limit of the said brick yard eight hundred and sixty-six feet and two inches (866' 2") to a jog in the said limit thence south seventy-one degrees and thirty-seven minutes east (S. 71° 37' E.) along said jog twenty feet (20'); thence north nineteen degrees and thirteen minutes east (N. 19° 13' E.) still following the easterly limit of the said brick yard seven hundred and eighty-eight feet and ten inches (788' 10") to the north-easterly angle of the said brick yard; thence north seventy-one degrees and forty-three minutes west (N. 71° 43' W.) along the northerly limit of the said brick yard five hundred and thirty-four feet (534') to the northwesterly angle thereof; thence south eighteen degrees and forty-three minutes west (S. 18° 43' W.) along the limit between the Townships of Barton and Ancaster, one thousand seven hundred and fifteen feet (1715') more or less to a stone monument marking the southerly limit of the said road allowance between Concessions Two and Three, in the Township of Barton; thence south seventy-three degrees and fifteen minutes east (S. 73° 15' E.) along the southerly limit of said road allowance between Concession Two and Three four hundred and four feet and five inches (404' 5") to the northwesterly angle of the lands of the Hand Fireworks Company; thence south eighteen degrees and fifty minutes west (S. 18° 50' W.) along the westerly limit of the lands of the Hand Fireworks Company one thousand six hundred and fifty-nine feet (1659') to the northerly limit of the Hamilton and Ancaster Toll Road; thence south seventy-nine degrees and forty-two minutes west (S. 79° 42' W.) along the northerly limit of the said road four hundred and fifty-nine feet and four inches (459' 4") to the place of beginning.

Saving

Saving and excepting a parcel of land in the Gore of Ancaster described as follows:

Commencing at a stone monument planted in the westerly limit of the subdivision known as "Hamilton Gardens" and distant northerly along the westerly limit of the said subdivision eighteen hundred and seventeen feet (1817') from the northerly limit of the Hamilton and Ancaster Toll Road; thence north nineteen degrees and four minutes east (N. 19° 4' E.) along the westerly limit of the said subdivision two hundred and twenty-nine feet and two inches (229' 2") to a stake planted at an angle in the westerly limit of the said subdivision; thence north seventy-two degrees and thirteen minutes west (N. 72° 13' W.), still following the limit of the said subdivision, five hundred and sixty-nine feet and three inches (569' 3") to an iron bar planted at an angle in the westerly limit of the said subdivision; thence south nineteen degrees and six minutes west (S. 19° 6' W.) two hundred and twenty-nine feet and two inches (229' 2") to a stone monument; thence south seventy-two degrees and thirteen minutes east (S. 72° 13' E.) five hundred and sixty-nine feet and four inches (569' 4") to the place of beginning; saving and excepting also all that land included in the above description adjacent to Coote's Paradise not lying within the limits of the Townships of Barton or Ancaster.

The above described parcel of land being more fully shown enclosed in yellow on the plan hereunto annexed, and containing by admeasurement five hundred and ninety-six (596) acres more or less, which said area is exclusive of the exception above described.

7. The location, size, material and manner of construction of all sewers, water mains and pipes shall be first approved by the city engineer, and a permit granted before the same are laid, and all works in, through or upon the highways in said annexed territory, shall be first approved by the city engineer before permission is granted to perform such works, and the same shall be constructed under his discretion and to his satisfaction, but the company shall not be called upon to construct any water main or sewer of greater size than would be required for the purposes of the territory annexed, together with the new cemetery property. Before any such permit shall be granted the person applying for such permit shall agree to restore the portion of the highway interfered with and keep same in repair for a period of six months from the time the street was restored.

8. The said annexed territory shall form part of Ward Four of the said city.

9. The assessment of the said territory for the year 1914 may be taken at any time prior to the 1st day of August, 1914.

10. The taxes and rates imposed for the year 1913 or any previous year upon any of the lands included in the territory hereby annexed, together with income, business and dog taxes of residents of said territory, shall if not heretofore paid, be collected by the respective townships, and all right to collect the same, including distress for non-payment, or, if necessary, the sale of the said lands or any of them, shall remain in the said respective townships as though this order had not been made.

11. If the City of Hamilton and the Townships of Barton and Ancaster are unable to agree as to the adjustment of the assets and liabilities the same shall be adjusted pursuant to section 38 of the Municipal Act, 1913.

(a) The Council of the Corporation of the City of Hamilton may, without submitting the same to the electors qualified to vote on money by-laws, pass such by-laws as may be necessary for raising the moneys required for carrying out the provisions of this Order.

(b)

(b) This order may be amended by a further order of the board to effectually carry out the terms, conditions and intentions of the said order of the 26th day of January, 1914, and of the respective agreements between the McKittrick Properties, Limited, and the City Corporations.

12. And the board makes no order as to costs except that the Corporation of the City of Hamilton shall pay the sum of \$10 for law stamp on this order.

13. This order shall come into force and effect from and after the 1st day of January, 1914.

(Sgd.) D. M. MCINTYRE,
Chairman.

(Seal.) Ontario Railway and Municipal Board.

SCHEDULE "C."

By-Law No. 1840.

For the Issue of Debentures for \$25,000 to Pay the City's Share of the Cost of the McKittrick Bridge and Its Approaches.

Whereas, by an order of "The Ontario Railway and Municipal Board" bearing date the 26th day of January, 1914, annexing certain portions of the Townships of Barton and Ancaster to the City of Hamilton, it was, *inter alia* ordered and proclaimed as follows:

"6. The "McKittrick Properties, Limited," shall acquire at its own expense all necessary lands required for the right-of-way for the highway and bridge and its approaches shown on the plan hereto annexed and signed by A. F. Macallum, City Engineer, dated the 25th day of November, 1913, and pay all damages (if any) for lands injuriously affected, except where the right-of-way runs through or over lands owned by the city and City streets, and shall convey such right-of-way to the City Corporation.

"After the sale of the debentures to be issued for raising the money necessary for the purchase of the right-of-way and construction of such highway, bridge and approaches, the City shall construct the said highway, bridge and approaches through or over such lands or streets according to the said plan, and shall pay 25 per centum of the cost of such right-of-way and construction, such 25 per centum not in any event to exceed the sum of \$25,000, and the said Company shall pay the remainder of the cost of such right-of-way and construction, and the City shall be entitled to assess the following lands owned by the said Company as local improvements, for the total cost of such right-of-way and construction of said highway, bridge and approaches, without any reduction whatsoever, save the said 25 per centum of the cost of right-of-way and construction hereinbefore mentioned, which shall in no event exceed the sum of \$25,000, namely:

"All and singular that certain parcel or tract of land and premises, situate, lying and being in the Townships of Barton and Ancaster, in the County of Wentworth, and Province of Ontario, and being composed of part of lot number twenty-one in the First, Second and Third Concessions of the said Township of Barton, and a part of lot number fifty-seven in the First Concession of the Township of Ancaster, commonly called 'The Gore of Ancaster,'"

which lands are more particularly described in section 6 of said order;

And

And whereas, it is provided by subsection (2) (f) of section 289 of *The Municipal Act*, that the Council of any Municipality may, by by-law passed with the approval of the Municipal Board, and without submitting the same for the assent of the electors, raise such sum as is required to pay the share ordered to be paid by the Corporation of the cost of any work constructed under the order of the Board of Railway Commissioners for Canada or The Ontario Railway and Municipal Board, or of any work or improvement which in the opinion of the Municipal Board has been rendered necessary or expedient owing to the construction of any work ordered by either of the Boards;

And whereas, the total cost of the said right-of-way, highway, bridge and approaches is estimated at the sum of \$157,030, of which \$25,000 is the Corporation's portion of the cost, and it is deemed advisable to raise the said sum by the issue of debentures payable in ten annual instalments, with interest at the rate of four and one-half per centum per annum, payable half-yearly;

And whereas, the lifetime of the work is over twenty years;

And whereas, it is necessary to borrow the said sum of \$25,000 on the credit of the Corporation, and to issue debentures therefor bearing interest at the rate of four and one-half per cent. per annum, to pay the City's portion of the cost, which is the amount of the debt intended to be created by this by-law;

And whereas, it is expedient to make the principal of the said debt repayable in yearly sums during the period of ten years of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be, to the amount so payable for principal and interest in each of the other years;

And whereas, it will be necessary to raise annually the sum of \$3,159.47 during the period of ten years to pay the said yearly sums of principal and interest for the City's portion of the cost as they become due;

And whereas, the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, being that prepared for the year 1915, is \$78,212,593;

And whereas, the amount of the existing debenture debt of the Corporation, exclusive of local improvement debt secured by special rates or assessments, is \$10,213,698.53, and no part of the principal or interest is in arrear:

Therefore the Council of the Corporation of the City of Hamilton enacts as follows:

1. That for the purpose aforesaid there shall be borrowed, on the credit of the Corporation at large, the sum of \$25,000, and debentures shall be issued therefor in sums of not less than \$100 each, bearing interest at the rate of four and one-half per cent. per annum, and having coupons attached thereto, for the payment of the interest. The interest shall be payable half-yearly on the 2nd days of January and July in each year during the currency of the said debentures, and first payment of interest to become due on the 2nd day of January, 1916.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed, and may bear any date within such two years, and shall be payable in ten annual instalments during the ten years next after the time when the same are issued, and the respective amounts of principal payable in each of such years shall be as follows:

	Principal.
No. 1, July 2nd, 1916.....	\$ 2,034 47
No. 2, July 2nd, 1917.....	2,126 02
No. 3, July 2nd, 1918.....	2,221 70
No. 4, July 2nd, 1919.....	2,321 67
No. 5, July 2nd, 1920.....	2,426 15
No. 6, July 2nd, 1921.....	2,535 32
No. 7, July 2nd, 1922.....	2,649 41
No. 8, July 2nd, 1923.....	2,768 63
No. 9, July 2nd, 1924.....	2,893 23
No. 10, July 2nd, 1925.....	3,023 40
	<hr/>
	\$25,000 00

3. The debentures as to both principal and interest may be expressed in Canadian currency or sterling money of Great Britain, at the rate of one pound sterling for each four dollars and eighty-six and two-thirds cents, and may be payable at any place or places in Canada, Great Britain, the United States of America, or elsewhere.

4. The Mayor of the Corporation shall sign and issue the debentures, and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

5. The said debentures shall have attached to them coupons for payment of the said interest, with a *facsimile* of the signature of the Treasurer engraved thereon, which interest shall be payable at the place where the said debentures are made payable.

6. There shall be raised annually during the said period of ten years the sum of \$3,159.47 by special rate on all the rateable property of this Municipality for payment of said instalment of principal and interest.

7. The debentures may contain a clause providing for the registration thereof, authorized by any statute relating to municipal debentures in force at the time of the issue thereof.

8. The said Mayor and Treasurer may cause the said debentures or a sufficient amount thereof, to be sold or hypothecated or may authorize the said debentures or any portion thereof, to be purchased or taken as and for a temporary or permanent investment of the sinking fund of the Municipality and the proceeds thereof after providing for the discount (if any), and the expenses of the negotiation and sale thereof, shall be deposited by the City Treasurer in one of the chartered banks of Canada, in the name of this Corporation, to the credit of a special account, to be called "McKittrick Bridge and Approaches," and shall be applied for the purposes above mentioned and for no other purpose, and shall be paid out on certificate of the City Engineer, the Chairman of the Board of Control and the Chairman of the Works Committee of the City Council, that such payments are necessary and proper for the purposes of this by-law.

9. This by-law shall take effect upon the same being approved by the Ontario Railway and Municipal Board.

Passed this 29th day of June, 1915.

CHESTER S. WALTERS,
Mayor.

S. H. KENT,
City Clerk.

SCHEDULE "D."

Memorandum of Agreement made this 24th day of April, A.D. 1917.

Between

Strathearn B. Thomson, of the City of Hamilton, in the County of Wentworth, hereinafter called the "Owner," of the first part,

and

The Corporation of the City of Hamilton, hereinafter called the "City Corporation," and the Board of Park Management of the City of Hamilton, hereinafter called the "Board," of the second part,

and

Flora White, of the said City of Hamilton, married woman, of the third part.

Whereas, the party of the first part is the owner of lots A, B and C in Wentworth Heights Survey, being a subdivision of part of lot No 7, Concession 3 of the Township of Barton, said plan being registered as No. 610, and which said lands adjoin immediately on the south Mountain Park Boulevard;

And whereas the City Corporation is the owner of the said Mountain Park Boulevard and which is used and controlled by them under the management of the said Board.

And whereas the owner has applied to the City Corporation and the Board for permission to be allowed the right of entering the said boulevard from the said lots A, B and C with one entrance to each of the said lots A, B and C of a width of fifteen feet each, as shown on the plan hereto annexed, and of leaving the said boulevard for the purpose of entering said lots A, B and C by said entrances, and the parties of the second part have agreed thereto upon and subject to the conditions hereinafter contained;

And whereas the said party of the third part is the mortgagee of the said lots A, B and C.

Now therefore this agreement witnesseth, and the said parties mutually agree as follows:

1. The said City Corporation and the said Board agree to allow the said owner to use the said Mountain Park Boulevard for the purposes above mentioned to and from the said lots A, B and C on the following conditions, namely:

(a) That the said owner will pay to the said parties of the second part the sum of five dollars (\$5.00) per foot of the said frontage of said lots A, B and C on said Mountain Park Boulevard as he sells or enters into an agreement to sell the said lots or any portion or portions thereof.

(b) No dwelling shall be erected on any of the said lots A, B and C or any portion thereof at a cost of less than five thousand dollars (\$5,000).

(c) Any buildings, walls or other obstructions (except fences or entrance gates) erected or placed on the said lots or any portion thereof, shall be at least forty feet distant from the southerly boundary of Mountain Park Boulevard, and no dwelling house shall be erected on a lot of less than forty feet frontage, and all residences erected on said lots A, B and C shall face and front on the said Mountain Park Boulevard.

(d)

(d) Any fences or gates erected or placed on the said lots or any portion thereof, adjacent to the southerly boundary of the said Mountain Park Boulevard, shall be of a slightly and ornamental character, so as not to detract from the appearance of the said Mountain Park Boulevard; and such fences or gates shall be of a height not exceeding four feet and shall be subject to the approval of the City Engineer; and no billboards or signboards or advertising matter or device shall be erected or displayed on said lots or on any buildings or structures erected thereon, and said lots A, B and C shall be used for residential purposes only.

(e) That no part of the property so fronting on the said Mountain Park Boulevard shall be opened up as a street or roadway, driveway, passage or thoroughfare to connect with any street shown on the said registered plan of Wentworth Heights or any other plan, and the owners of said lots A, B and C covenant and agree not to allow any passage or thoroughfare of any nature or kind through the said lots A, B and C from the south of said lots for the purposes of using or gaining access to the said boulevard.

(f) That the rights of the said owner or any owner or owners from time to time of said lots A, B and C or any portion or portions thereof with respect to the said Mountain Park Boulevard shall at all time and times be subject to the general and traffic by-laws, rules and regulations of the said Board now or hereafter passed or made governing the said Mountain Park Boulevard, the intention being that any person using the said entrances shall have no further rights or privileges in respect of the said boulevard than the public using such boulevard except said rights of entrance.

(g) Neither the said City Corporation nor the said Board shall be required to keep the said Mountain Park Boulevard in repair, and shall not be liable to the said owner or to the owner or owners of the said lots or any portion thereof, or persons using the said entrances for any damages sustained by reason of the use by him or them of the said Mountain Park Boulevard.

(h) In the event of the said lots A, B and C not being all disposed of in three years from the date of this agreement, either by agreement or otherwise by the said owner, then the said owner will, at the expiration of said term of three years pay to the said Board for the balance of the lands still unsold at the rate of \$5 per foot for the frontage so undisposed of.

2. The said owner agrees to pay the said Board the said sum of \$5 per foot frontage of said lots at the times hereinbefore mentioned and to observe and perform all the terms and conditions hereinbefore contained, and the said payment of \$5 per foot frontage shall be a first lien or charge on the said lots and the said owner binds and charges the said lots with the payment thereof.

3. The said party of the third part hereby gives her consent to and approval of this agreement and the terms, conditions, agreements and stipulations therein contained and agrees that this agreement shall have priority to said mortgage; in so far as said lots A, B and C are concerned only.

4. In the event of any work being done on said Mountain Park Boulevard under the Local Improvement Act, the said owner agrees to pay all local improvement rates charged and assessed against said lots A, B and C, and further agrees to pay his share of the cost of all such local improvements in respect of said lots A, B and C on the usual or then prevailing City of Hamilton local improvement basis, whether charged and assessed against said lots or not and hereby binds and charges the said lots A, B and C with the payment thereof, and that the City Corporation may collect the said rates and charges in the same manner as taxes are collected. Nothing herein contained shall be construed in such

manner

manner as to grant any right or privilege to the owner or any person claiming under or through him to petition for any local or other improvement or to use the said boulevard except as hereinbefore mentioned.

5. The parties hereto agree to petition for and assist in obtaining legislation at the next session of the Legislature, validating, ratifying and confirming this agreement, the cost of the same to be borne by the said owner.

6. Should the said owner or the owner or owners of any portion of the said lots A, B and C commit, or allow to be committed, a breach of any of the covenants herein contained, the rights and privileges hereby granted shall in respect of the lands so owned by him or them at once cease and determine, but the parties of the second part may enforce the covenants hereinbefore contained.

7. That the owner will not at any time petition against or oppose the annexation of the said lots A, B and C to the City of Hamilton should the Council of the Corporation of the City of Hamilton or any of the ratepayers or electors (or persons entitled to petition) of that portion of the Township of Barton desire such annexation.

8. This agreement shall have no force and effect until the same has been duly validated, ratified and confirmed by an Act of the Legislature as above mentioned.

9. This agreement and the covenants and conditions herein contained shall extend to and be binding on the said parties, their heirs, executors, administrators, successors and assigns, and as to said lots A, B and C in Wentworth Heights Survey shall be deemed covenants running with the land.

In witness whereof the said parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered
in the presence of

(Sgd.) W. T. EVANS.

(Sgd.) FLORA WHITE.

(Seal.)

(Sgd.) STRATHEARN B. THOMSON.

(Seal.)

(Sgd.) CHAS. G. BOOKER, *Mayor.*

(Sgd.) S. H. KENT, *City Clerk.*

(City of Hamilton Seal.)

(Sgd.) J. G. CLOKE,

Chairman Board of Park Management.

(Board of Park Management Seal.)

SCHEDULE "E."

Gentlemen,—In answer to your inquiries and in compliance with your request Robert R. Gage, Hannah J. Gage and Eugenie H. Gage offer to sell to the City of Hamilton for municipal purposes sixty-four acres of land be the same more or less, namely, that part of lot number six in the Third Concession of the Township of Barton (now in the City of Hamilton) at present owned by them, less two acres and one-tenth of an acre.

At the price or sum of five thousand dollars per acre without interest.

The

The Corporation of the City of Hamilton agreeing to pay the said sum to the above named vendors, the survivor of them or their heirs, in sixty-four equal semi-annual payments or instalments of \$5,000 each, the first of such instalments to become due and be paid on the first day of January, A.D. 1918, when the said Corporation of the City of Hamilton may take possession of that portion of the said 64 acres of land in which a life estate is not reserved.

The said purchase price or any unpaid portion thereof to be a lien and mortgage on the said 64 acres of land until fully paid.

The said payments to be made by the said Corporation of the City of Hamilton to the said vendors shall not be assessed as income but shall be considered as principal, being payments of principal only.

Reserving to the vendors, Robert R. Gage, Hannah J. Gage and Eugenie H. Gage or the survivor of them, a life estate in that portion of the said sixty-four acres of land, bounded on the south by the line between the two steel monuments, a little south of the roughcast house and extending north to Main Street, containing thirteen acres, be the same more or less.

In consideration of the vendors not demanding or charging interest on the purchase price above mentioned the said Corporation of the City of Hamilton agree to pay or cause to be paid, all taxes, rates, charges and assessments, Government, Municipal or otherwise levied, taxed, charged, imposed or assessed upon or against the lands and premises, in which the vendors reserve a life estate, and also upon and against the lands and premises two and one-tenth acres retained by the said vendors as their home at the north-east corner of that part of the said lot number six now owned by them, having a frontage on the south side of Main Street of three chains and extending the same width southerly along the west boundary of the property of the Children's Home a depth of seven chains, so long as the said vendors Robert R. Gage, Hannah J. Gage and Eugenie H. Gage or either of them own the same.

The Corporation of the City of Hamilton to have the option of purchasing the said two and one-tenth acres if offered for sale, or within three months after the decease of the survivor of the said vendors, at the price or sum of ten thousand dollars.

The above offer shall be void unless accepted by the said Corporation of the City of Hamilton, and this paper, this writing, officially signed by the Mayor of the said Corporation, on or before the Fifteenth day of October next, A.D. 1917.

Dated this 10th day of April, 1917.

(Sgd.) R. R. GAGE.

Witness,

(Sgd.) JOHN E. BROWN.

RE R. R. GAGE AGREEMENT.

I agree that the annexed offer may be accepted within 30 days after the passing of the Act authorizing its acceptance by the City Corporation and that the payment of the first instalment of the purchase price be deferred until 30 days after the passing of the said Act.

Dated 11th November, 1917.

(Sgd.) R. R. GAGE.

(Seal.)

Witness,

(Sgd.) EUGENIE H. GAGE.

CHAPTER 64.

An Act respecting the City of Kingston.

Assented to 26th March, 1918.

WHEREAS the Corporation of the City of Kingston has ^{preamble.} by petition represented that by an Act of the Legislature of the Province of Ontario, passed in the session held in the seventh year of the reign of His Majesty King George V, chaptered 73, By-law No. 8 of 1917, of the Corporation of the City of Kingston, passed the 29th January, 1917, being "A by-law to amend By-law No. 17 (1905) of the Corporation of the City of Kingston, 'A by-law to authorize the issue of debentures of the City of Kingston in two several issues to the amount of \$82,000 and \$100,000 respectively and to repeal By-law No. 12 (1904)'" was validated and confirmed, and that owing to the increased rate of interest it is necessary to make the rate of interest six per cent. on said second issue of debentures amounting to \$100,000, still to be issued, instead of five per cent. and that it is deemed expedient to make the said debentures payable in annual instalments instead of on the sinking fund plan; and that for the purpose of making such changes in By-law No. 17 (1905), as heretofore amended, the Corporation of the City of Kingston have passed, subject to the ratification thereof by the Legislative Assembly of the Province of Ontario, By-law No. 5, 1918, hereinafter set out as Schedule A hereto; and whereas the said Corporation has by petition prayed for special legislation ratifying and confirming the said By-law No. 5, 1918; and whereas no objections have been made to such confirmation and ratification; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 5, 1918, of the Corporation of the City of Kingston, set forth in Schedule A hereto is hereby validated ^{By-law} ^{No. 5 (1918)} confirmed. and confirmed.

SCHEDULE

SCHEDULE A.

By-Law No 5, 1918.

A by-law to further amend By-law No. 17 of 1905, of the Corporation of the City of Kingston, being "A by-law to authorize the issue of debentures of the City of Kingston in two several issues to the amount of \$82,000 and \$100,000 respectively and to repeal By-law No. 12 of 1904," as such By-law No. 17 was amended by By-law No. 8 of 1917. Passed Jan. 14th, 1918.

Be it enacted by the Council of the Corporation of the City of Kingston as follows:—

1. Sections 3, 4 and 5 of Part II of said By-law No. 17 of 1905, as amended by said By-law No. 8 of 1917 and validated and confirmed by an Act of the Legislature of the Province of Ontario passed in the session held in the seventh year of the reign of His Majesty King George V, and chaptered 73, are hereby repealed and the following substituted therefor:

2. That the said debt of \$100,000 shall be payable in annual instalments within thirty years from the first day of May, 1918, at the office of the City Treasurer in said City, and the said debentures shall have attached to them coupons for the payment of the interest thereon half-yearly as hereinafter provided, which coupons shall be signed by the said treasurer and said instalments of principal shall be of such amounts that with the interest in respect of the debt payable as aforesaid the aggregate amount payable for principal and interest in each year shall be as nearly as possible the same, provided that each instalment of principal may be for an even \$100, \$500 or \$1,000 or multiple thereof and the annual instalments of principal and interest may differ in amount sufficiently to admit thereof.

3. The said debentures shall be dated on the first day of May, 1918, and shall be issued within two years after the passing of this by-law and shall bear interest at the rate of six per cent per annum from the date thereof which interest shall be payable half-yearly on the first day of May and November in each year at the office of the said City Treasurer in the City of Kingston.

4. For the payment of the said debt last above mentioned and the interest to become due thereon, an annual sum of \$7,265, or such approximate sum as may be required to pay the combined instalment of principal and interest in each year, shall be raised in each year of the said period of thirty years by a special rate upon all the rateable property in said municipality.

This by-law shall come in force and take effect on its being ratified and confirmed by an Act of the Legislative Assembly of the Province of Ontario.

(Sgd.) J. M. HUGHES,
Mayor.

(SEAL.)

(Sgd.) W. W. SANDS,
City Clerk.

CHAPTER 65.

An Act respecting the City of London.

Assented to 26th March, 1918.

WHEREAS the Corporation of the City of London has, ^{Preamble.}
 by petition, prayed for special legislation in respect of
 the matters hereinafter set forth; and whereas it is de-
 sirable that By-law No. 5665 of the Corporation of the City of
 London should be confirmed; and whereas the said corpo-
 ration has asked for authority to issue debentures to the
 amount of \$210,000, to cover the cost of certain works and
 improvements of an urgent and necessary character; and
 whereas it is expedient to grant the prayer of the said peti-
 tion:

Therefore, His Majesty, by and with the advice and con-
 sent of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1.—(1) The Corporation of the City of London may pass ^{\$131,000}
 a by-law to borrow, and may borrow, the sum of \$131,000 for ^{for London}
 The London Railway Commission, and may issue debentures ^{Ry. Com.}
 therefor for any period not exceeding thirty years from the
 date of the issue thereof, and at such rate of interest not
 exceeding six per cent. per annum as the council of the said
 corporation may determine, to pay for the construction and
 equipment of buildings and works completed, and the con-
 struction of other works by The London Railway Commission.

(2) The Corporation of the City of London may pass a ^{\$7,000 for}
 by-law to borrow, and may borrow, the sum of \$7,000, and ^{switch}
 may issue debentures therefor for any period not exceeding ^{and}
 ten years from the date of the issue thereof, and at such rate ^{bridge.}
 of interest not exceeding six per cent. per annum as the
 council of the said corporation may determine, to pay for a
 switch from The London and Port Stanley Railway and a
 bridge, and may pay the proceeds of such debentures to The
 London Railway Commission for the purposes aforesaid.

\$15,000 for
storm
sewers.

2. The Corporation of the City of London may pass a by-law to borrow, and may borrow, the sum of \$15,000, and may issue debentures therefor for any period not exceeding thirty years from the date of the issue thereof, and at such rate of interest not exceeding six per cent. per annum as the council of the said corporation may determine, to pay for the construction of storm sewers in the said city.

\$32,000
for
waterworks
extensions.

3. The Corporation of the City of London may pass a by-law to borrow, and may borrow, the sum of \$32,000 for The Public Utilities Commission of the City of London, and may issue debentures therefor for any period not exceeding thirty years from the date of the issue thereof, and at such rate of interest not exceeding six per cent. per annum as the council of the said corporation may determine, to pay for certain necessary extensions and additions to the waterworks pumping plant and distribution system of the City of London.

\$25,000 for
extensions
to electric
light plant.

4. The Corporation of the City of London may pass a by-law to borrow, and may borrow, the sum of \$25,000 for The Public Utilities Commission of the City of London, and may issue debentures therefor for any period not exceeding thirty years from the date of the issue thereof, and at such rate of interest not exceeding six per cent. per annum as the council of the said corporation may determine, to pay for certain necessary extensions and additions to the substation equipment and distribution system of the electric light plant of the City of London.

Assent of
electors not
required.

5. It shall not be necessary that any of the by-laws for the purposes mentioned in the next four preceding sections shall be submitted to, or receive the assent of, the electors of the said city, but all the other provisions of *The Municipal Act* which are applicable and which are not inconsistent with the provisions of this Act shall apply to the said by-laws.

Irregularity
in form
not to
invalidate.

6. No irregularity in the form of any of the debentures issued under the authority of this Act, or of any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action against the Corporation of the City of London for the recovery of the amount thereof, or interest thereon, or any part thereof.

Limit of
borrowing
powers.

7. In calculating the amount of the indebtedness of the said corporation for the purpose of ascertaining if the limit of its borrowing power, as fixed by *The City of London Act*,

1906, has been reached, any debentures issued under the authority of section 1 of this Act shall not be reckoned as part of such indebtedness, but shall be excluded in computing the same.

8. Section 10 of *The City of London Act, 1912*, is^{2 Geo. V, c. 107, s. 10 amended.} amended by adding thereto the following clause:

- (a) "The public boulevards referred to in section 10 of this Act shall be deemed to include all boulevards which are situate upon or form a part of any public highway in the city, whether constructed under the authority of a by-law passed under the provisions of *The Municipal Act*, or otherwise."

9.—(1) The Council of the Corporation of the City of London, pending the sale of a debenture, or in lieu of selling it, may, by by-law, from time to time, raise money by way of loan upon such debenture, and may hypothecate it for the loan thereon, and may issue temporary debentures to secure such loan, and may, by by-law, renew any temporary debentures or notes heretofore or hereafter issued by the said Corporation, and may provide that the temporary debentures issued under the authority of this section shall be payable within the period of not more than ten years from the dates of the respective issues thereof, provided always that such ten-year period does not exceed the maturity of any of the debentures upon which the money is raised by way of loan.

(2) This section shall be deemed to have come into force and taken effect on and from the twentieth day of February, A.D. 1918.

10. By-law 5665 of the Corporation of the City of London, passed on the 17th day of December, A.D. 1917, being a by-law to provide for borrowing \$43,114.13 upon debentures to pay for the construction of underground conduits as local improvements, is confirmed and declared to be legal, valid and binding.

11. This Act may be known and cited as *The City of London Act, 1918*.^{Short title.}

CHAPTER 66.

An Act to incorporate the Village of Magnetawan.

Assented to 26th March, 1918.

Preamble.

WHEREAS the inhabitants of the unincorporated Village of Magnetawan, in the Township of Chapman, in the District of Parry Sound, Province of Ontario, comprised within the limits hereinafter particularly mentioned, have, by their petition, represented that the said village contains a population of about 300 inhabitants, which is steadily increasing; that the said village is an important distributing point and business centre for a large tract of territory surrounding it, comprising agricultural lands; that the said village is located on the Magnetawan River, giving it great advantages in the way of shipping for the territory so surrounding it; that it is on the route of the Magnetawan River and Lakes Steamship Line; and that it will greatly promote the progress, interests, and prosperity of the inhabitants of the said village if it be incorporated, and whereas the said petitioners have prayed for such incorporation accordingly; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. The inhabitants within the area described in section 2 hereof, are hereby created and constituted a corporation or body politic under the name of "The Corporation of the Village of Magnetawan" separate and apart from the said Township of Chapman and shall have and enjoy all the rights, authorities, powers and privileges now enjoyed by or conferred on or which shall or may hereafter be enjoyed by or conferred on incorporated villages in the Province of Ontario, subject to any exception or limitation provided by this Act.

Area of village.

2. The said Village of Magnetawan shall comprise and consist of the lands, roads, and parts of roads lying within the following

following limits or boundaries, namely: All and singular those certain parcels or tracts of land situate, lying and being in the said Province of Ontario, and particularly described as follows: Lots numbers 94, 95 and 96, concession A, lots numbers 94, 95, 96 and 96-A concession B, and islands A and B in said Township of Chapman, as laid down on the survey of Robert Sparks, O.L.S., of the town plot of Magnetawan, of record in the Department of Lands, Forests and Mines, Toronto, as plan number 42-A.

3.—(1) The council of the said village for the remainder^{Members of first council.} of the year 1918 shall consist of a reeve and four councillors, and George McKnight shall be the reeve and John Schada and Thomas Langford and Alfred H. Paget and Louis V. Smith shall be the four councillors.

(2) The first reeve of the said village shall hold office for^{Term of office.} the remainder of the year 1918 and until his successor is appointed hereunder or elected (as the case may be) and has taken the declaration of office in accordance with the provisions governing an election of reeve and council of an incorporated village set forth in *The Municipal Act* and its amendments.

(3) The first councillors aforesaid shall likewise hold office during the remainder of the year 1918 and until their successors respectively have been appointed hereunder or elected (as the case may be) and have taken declarations of office in manner aforesaid.

(4) Should a vacancy or vacancies occur from any cause^{Filling of vacancies.} whatsoever during the year 1918 in the office of reeve or councillor, the remaining members of the council of the village shall forthwith by resolution in that behalf appoint a person or persons (as the case may be) to fill the vacancy or vacancies, and the appointee or appointees (as the case may be) shall hold office for the remainder of the term for which their predecessors respectively have been appointed hereunder.

4. The reeve and councillors appointed hereby shall hold^{First meeting of council.} their first meeting at the Orange Hall in the said village at the hour of ten o'clock in the forenoon of the same day of the week next following the day of the date of incorporation.

5. At all elections for reeve and councillors of the said village, the qualifications of the electors and of the reeve and councillors shall be the same as those respectively required^{Qualification of electors and members of council.} in the case of a village incorporated under *The Municipal Act*, and all persons appointed or to be appointed and acting^{Rev. Stat. c. 192.} under

under this Act shall take and subscribe the declarations of office and qualification required by *The Municipal Act* and its amendments to be taken and made by persons elected or appointed to like offices in villages incorporated thereunder.

Assessment
for 1918.

6. The assessment of the lands and property in the village for the year 1918 shall be that made by and finally revised for the said Township of Chapman for such year and the council of the village may pass a by-law or by-laws for the collection or enforcement of the rates or taxes upon such assessment accordingly.

Adjustment
of assets
and
liabilities.

7. The assets, debts, liabilities and obligations of the Municipal Corporation of the Township of Chapman shall be apportioned between such municipal corporation and the said Village of Magnetawan, in such manner as may be mutually agreed upon in writing under the corporate seals respectively of the two municipalities, and the hands of the respective reeves and clerks thereof; and in case of failure to make such agreement, then the apportionment shall be determined by arbitration, under the provisions in that behalf contained in *The Municipal Act*; and the provisions of the said Act as to matters consequent upon the formation of new corporations shall apply as if the said village had been created or constituted under the provisions of *The Municipal Act*.

Village
to remain
part of
rural
school
section.

8.—(1) Notwithstanding anything hereinbefore contained, the said Village of Magnetawan shall remain a part of the existing rural school section for all school purposes, as though this Act had not been passed; and the village shall not be separated or taken therefrom, until such time as a by-law in that behalf shall be passed by the council thereof for the establishment of an urban school board for school purposes, under the (then) existing law in that behalf.

Assessment
for school
purposes.

(2) While such rural school section exists the assessors in each municipality in which a part of the section is situate shall make the assessment for school purposes for that part, and the collectors for each municipality in which part of such section is situate shall collect the school rates for that part; and the amount collected from the ratepayers in each part of such section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the said school section is situate; and the treasurer shall pay over the same without any charge or deduction to the treasurer of the board.

Contribution
to erection
of school-
house.

(3) The proportion which the part in each municipality shall be liable to contribute towards the erection of any school-house hereafter to be constructed and the maintenance of the school

school and other necessary expenses of the said rural school section shall be determined and fixed by arbitration. Each of the councils of the municipalities concerned may appoint an arbitrator, who shall not be a member of the council, who, with the school inspector, shall constitute a board of arbitrators.

(4) Section 29 of *The Public Schools Act*, except sub-section 7, shall *mutatis mutandis* apply to and govern the said rural school section.

Application
of Rev. Stat.
c. 266,
s. 29.

9. The costs, charges and expenses of and incidental to the obtaining of this Act and the application therefor, and preparing the necessary papers and furnishing any documents, papers, writings, deeds or other matter whatsoever connected therewith or required by the clerk or other officers of the said village or otherwise, howsoever, shall be borne by the said village, and be paid by it to the person or persons respectively entitled thereto.

Expenses of
Act—how
borne.

CHAPTER 67.

An Act to consolidate the Debenture and Floating
Debts of the Village of Marmora and to create a
Patriotic Fund.

Assented to 26th March, 1918.

Preamble.

WHEREAS the Municipal Corporation of the Village of Marmora has by petition represented that it has incurred a heavy liability during the last ten years in the making of many public improvements such as their electric light system, a fire protection system, the erection of a town hall and a public school building and the construction of a system of concrete sidewalks in the said village for the payment of which debentures were issued from time to time under the authority of certain by-laws. The particulars of the said debenture debt are as follows:

By-Law No.	Original Amount.	Year Debenture Issued.	No. of Yearly Payments.	Amount of Principal Unpaid.
56	\$5,500 00	1906	20	\$2,789 34
93	4,000 00	1911	20	3,011 21
104	3,000 00	1912	20	2,427 74
110	6,000 00	1913	20	5,198 38
112	2,000 00	1913	20	1,739 35
120	1,000 00	1913	20	869 66
135	3,000 00	1914	20	2,709 21
146	6,000 00	1915	20	5,663 99

and whereas the said corporation has further represented by petition that the floating debt of the said Village of Marmora is \$2,500, incurred partly in the building of a town hall, installing a system of fire protection and failure to levy sufficient rates for interest; and whereas one of the leading industries of the village, manufacturing cooperage stock, etc., and employing between 30 and 40 men has closed down and ceased to operate owing to the condition of the market, and another large lumbering firm has reduced its operations very considerably owing to present conditions, which reduction materially affects the prosperity of the village; and whereas owing to the high rate of taxation which has prevailed in the said village for several years it would be unduly oppressive on the ratepayers to liquidate the said floating and debenture debts forthwith, in addition to meeting the current annual expenses of the municipality; and whereas the said Corporation has by its petition prayed for special legislation in respect

respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The floating debt of the Corporation of the Village of Marmora is consolidated at \$2,500, and the said corporation may borrow by a special issue of debentures a sum not exceeding \$2,500 for the purpose of paying the said floating debt. Consolidation of floating debt \$2,500.
2. The said Corporation of the Village of Marmora is hereby authorized to borrow by a special issue of debentures a sum not exceeding \$6,000 for the purpose of repaying the sum of \$1,000 annually during the years 1918 to 1923, both inclusive, on the principal of the debentures set forth in the recital hereto, which will mature during the years 1918 to 1923, both inclusive. Power to borrow \$6,000 to pay principal of certain debentures.
3. The Corporation of the Village of Marmora is authorized to borrow by a special issue of debentures a sum not exceeding \$1,500 to create a patriotic fund. Patriotic fund of \$1,500.
4. The Council of the said Corporation may pass a by-law or by-laws authorizing the issue of all or any of the said debentures and may provide in such by-law or by-laws in respect of the debentures for the said sum of \$6,000 that the same shall be issued in amounts of \$1,000 each, in each of the years 1918 to 1923, both inclusive. The said debentures shall be payable in not more than thirty years from the date of issue thereof, and shall bear such rate of interest and shall be payable at such place or places as the said Corporation may deem expedient. Term of debentures.
5. The said debentures issued from time to time pursuant to this Act shall severally be payable in equal annual instalments of principal and interest, and in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged. Equal annual instalments of principal and interest.
6. The said corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalment of principal and interest falling due upon the said debentures. Special rate.
7. The said debentures authorized hereunder and all money arising from the sale thereof, shall be applied in payment of the said floating debt, in the creation of a patriotic fund as hereinbefore provided, and in repaying the sum of \$1,000 annually during the years 1918 to 1923, both inclusive. Application of proceeds of debentures.

inclusive, on the principal of the debentures set forth in the first recital hereto, which will mature during the years 1918 to 1923, both inclusive.

Assent of
electors not
required.

8. It shall not be necessary to obtain the assent of the electors of the Village of Marmora to the passing of any by-law which shall be passed under the authority of this Act or to observe the formalities in relation thereto prescribed by *The Municipal Act*, and any provisions of *The Municipal Act*, which are or may be inconsistent with the provisions of this Act, shall not apply to any by-law passed under the authority of this Act.

Irregularity
in form not
to invalidate.

9. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

By-law
not to be
repealed
until debt
paid.

10. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law, and interest thereon is fully paid and satisfied.

Other
debts not
affected.

11. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Village of Marmora from any indebtedness or liability which is not included in the indebtedness hereby consolidated.

Treasurer
to keep
proper
books of
account.

12. It shall be the duty of the treasurer for the time being to keep, and it shall be the duty of each of the members from time to time of the Municipal Council to procure such treasurer to keep, and to see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by the preceding sections, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of accounts and statement shall, at all times and at all reasonable hours, be open to the inspection of any rate-payer of the said village, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

Short title.

13. This Act may be cited as *The Village of Marmora Debenture Act, 1918*.

CHAPTER 68.

An Act to incorporate the Town of Merritton.

Assented to 26th March, 1918.

WHEREAS the Corporation of the Village of Merritton Preamble. has, by petition, represented that the said village now contains a population of upwards of two thousand three hundred and fifty; and that the population is steadily increasing; and that the village is the centre of prosperous manufactories and contains many large and important manufactories, and is a municipality whose activities are purely industrial and urban; and that the said village possesses excellent transportation facilities and splendid supply of electrical power and is, therefore, developing more industries; and that the said village is not directly interested in rural occupations, and very few (if any) of its inhabitants follow rural pursuits; and whereas a number of the business men, manufacturers and other residents of the village have urged upon the municipal council thereof to apply to have the village erected into a town, and the municipal council has so determined; and whereas considerable differences have existed and litigation been occasioned between the said village and the County of Lincoln in respect of highway matters and the said village has also petitioned for relief from the county highway system, established by the County of Lincoln under *The Highway Improvement Act* and by-law No. 600 of the said county, by excluding therefrom any highway within the said village assumed by the said county under the said by-law, and that the said village should receive a grant from the said county annually for highway purposes; and whereas for the considerations aforesaid as well as for other considerations, it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On and after the first day of July, A.D. 1918 next, Incorporation the Village of Merritton shall be and it is hereby incorporated as a town, and shall be known thereafter as the Corporation Town

of the Town of Merritton, and shall thereafter enjoy and possess all the rights, powers and privileges of a town under *The Municipal Act* now or hereafter in force.

Wards.

2. The Town of Merritton shall be divided, as the Village of Merritton has heretofore been divided, into three wards, named respectively First Ward, Second Ward and Third Ward, and the boundaries or limits of the said wards respectively shall be and remain as existed previously unless thereafter changed under the provisions of *The Municipal Act* then in force.

Council—
how com-
posed.

3.—(1) The Council of the said Town of Merritton shall consist of the Mayor, who shall be the head thereof, a Reeve and five Councillors to be elected by general vote, subject, however, to the number of Reeves and Councillors being changed at any time under the provisions of *The Municipal Act* then in force.

Rev. Stat.,
c. 192.

(2) The present Council shall be the Council of the said town, and the present Reeve shall be the Mayor also of the said town, upon and from the incorporation thereof, and shall hold office until the election of their successors as provided by this Act, and shall exercise all the rights and powers and perform all the duties pertaining to the office of Mayor, Reeve and Councillors respectively of the town, and in the event of the death, resignation or disqualification of the said Mayor or any of the said Councillors, the vacancies so caused shall be filled in the manner provided in *The Municipal Act*.

First
election.

(3) The said Council shall hold an election for the election of a Mayor, Reeve and five Councillors as soon as may be after the first day of July, 1918, and the Mayor and Councillors elected thereat shall hold office until their successors are elected, and the provisions of *The Municipal Act* then in force shall apply to such elections and all elections held thereafter.

Town to
stand in
place of
Village.

4. The Corporation of the Town of Merritton shall in all matters whatsoever stand and be in the place and stead of the Corporation of the Village of Merritton, and all property and interests in property of every kind, and all assets and effects, taxes, rates, dues, revenues, rights, contracts, obligations and income now belonging to, or accruing due to, or which may be assessed for by the said village, shall pass and belong to and be the property, assets, effects, taxes, rates, dues, revenues, rights, contracts and obligations of the Corporation of the Town of Merritton; and the said town shall have and may exercise in its own name all the powers, rights and remedies which the Corporation of the Village of Mer-

ritton

ritton had for the protection of the aforesaid property and the collection of the revenues of every kind and to assess for, demand, collect, sue for, recover and receive the same in like manner as the said village could have done, and the said town shall assume and hereby assumes all contracts, bills, debentures, debts and liabilities of any and every kind contracted, made, issued or incurred by the said village, due or accruing due or for which the said village but for the passing of this Act would have been liable, and the same shall and may be enforced, sued for, collected and recovered from and against the Corporation of the Town of Merritton in like manner as the same might have been enforced, sued for, collected and recovered as from and against the said village; and all acts, matters and things whatsoever which might lawfully have been done by the Village of Merritton shall and may lawfully be done by the Town of Merritton, and all suits, actions, works, proceedings, matters and things begun or initiated by the said village may be carried on and completed or otherwise settled or determined by the said town in the name of the said town; the meaning and intention hereof being that in all matters and things the said town shall be substituted for and stand in the placé and stead of the said village.

5. The officers and servants of the said Village of Merritton shall, until superseded in or removed from office by the Council of the said Town of Merritton, remain the officers and servants of the said town, and the bonds now held by the said village for the faithful performance of their duties shall continue to be in force against them and their sureties in favour of the said town to the same extent and with the like effect as they are now liable to the village: Officers
and
servants.

6. The provisions of *The Municipal Act* relating to matters consequent on the formation of new municipal corporations and the other provisions of *The Municipal Act* aforesaid shall, except so far as herein otherwise provided, apply to the Corporation of the Town of Merritton in the same manner as if the said Village of Merritton had been erected into a town under the provisions of the said Act. Application
of Rev. Stat.,
c. 192.

7. Notwithstanding the provisions of *The Highway Improvement Act* and amendments thereto, and of by-law No. 600 of the Corporation of the County of Lincoln, no part of any highway within the corporate limits of the Town of Merritton shall be assumed by the said county as part of a system of county highways. Highways
in town
not to be
included
in county
system.

8.—(1) The Town of Merritton shall be liable for all rates, taxes and assessments which may be imposed or levied by the County of Lincoln in respect of any system of county Liability
of town
for rates
for county
road
system.
highways

highways adopted under the said *The Highway Improvement Act*, but of the annual amount so payable by the said town to the said county, there shall be returned or remitted annually to the said town such portion or percentage, if any, as to The Ontario Railway and Municipal Board on application may seem just and proper.

(2) The said Board shall have and possess all powers necessary to deal with and determine such application and the decision of the said Board in such respect shall be final and binding upon the said town and the said county for the term of ten years from the time such decision is made.

(3) All moneys so returned or remitted, if any, to the said town shall be expended by it for the construction, improvement or maintenance of highways in the said town, so that the standard of such highways shall be equal to that of any county highway connecting therewith.

Litigation. **9.** All litigation between the Town (or Village) of Merritton and the County of Lincoln in respect of said county by-law No. 600 shall cease, each party paying its own costs of such litigation.

CHAPTER 69.

An Act to incorporate the Village of Mildmay.

Assented to 26th March, 1918.

WHEREAS the unincorporated Village of Mildmay, ^{Preamble.}
in the Township of Carrick, in the County of Bruce,
has a population of six hundred and twenty-five souls or
thereabouts; and whereas the said village is the only village
of any extent in the said Township of Carrick, and has
several manufacturing industries established in the said
village and is a station on the Grand Trunk Railway; and
whereas the inhabitants of the said village have, by their
petition, represented that they are desirous of becoming in-
corporated as a village, that there is a great difficulty in equal-
izing the values of village and farm properties in said town-
ship, and that its finances could be better husbanded and
used to better advantage, and the enforcement of law and
order more systematically carried out if the said village were
incorporated; and whereas it is expedient to grant the
prayer of the said petition:

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. From and after the holding of the first election under
this Act, the inhabitants of the said Village of Mildmay
shall be, and they are hereby constituted a corporation or
body politic under the name of the Corporation of the Vil-
lage of Mildmay, apart from the Township of Carrick, in
which the said village is situate, and shall enjoy and have
all the rights, power and privileges which could have been
enjoyed and exercised by the said Village of Mildmay if the
same had been incorporated under *The Municipal Act*, ex-
cept as otherwise provided by this Act. ^{Incorporation.}

2. The said Village of Mildmay shall comprise and con-
sist of all that part of the said Township of Carrick de-
scribed as follows: All those portions of lots twenty-four
and twenty-five, Concession "C," in the Township of Car-
<sup>Lands in-
cluded in
village.</sup>

rick, in the County of Bruce, more particularly described as follows: Commencing at a point in the western limit of said lot twenty-four, a distance of nine chains and ten links along the north-easterly limit of the Elora and Saugeen Road, from the south-westerly angle of said lot twenty-four; thence north thirty-five degrees east and parallel to the southerly limit of said lot twenty-one chains to a post; thence southerly and parallel to the westerly limit of farm lots twenty-four and twenty-five a distance of thirty chains and ten links more or less to the northerly limit of Absalom Street; thence along said northerly limit of Absalom Street a distance of twenty-one chains more or less to the north-easterly limit of the Elora and Saugeen Road, and thence north-westerly along the north-eastern limit of the Elora and Saugeen Road a distance of thirty chains ten links more or less to the place of beginning.

Secondly, Farm lot twenty-six, Concession "C," in the said Township of Carrick, and farm lots twenty-five and twenty-six, Concession "D," in said Township of Carrick;

Thirdly, Park lots "N" and "O," subdivisions of farm lot number twenty-seven, Concession "D," in said Township of Carrick, as shown on the registered plan of subdivision of said farm lot;

Fourthly, Lots numbers one to fifteen, both inclusive, subdivisions of farm lot number eleven, Concession Seven of said Township of Carrick, as shown on the plan of subdivision of said farm lot eleven, together with the triangular portion of said farm lot lying north of Eidt Street, as shown on such registered plan, and being all of said farm lot lying north of said Eidt Street;

Fifthly, That part of lot number twenty-four in Concession "D" of said Township of Carrick lying south and east of the railway grounds of the Grand Trunk Railway Company, together with all subdivisions of said lots or parts thereof and all highways, lanes and roadways comprised within the said limits.

Nomina-
tion
meeting.

3. After the passing of this Act, it shall be lawful for Charles Schurter, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at the Village Hall in the said Village of Mildmay, at the hour of twelve o'clock noon, on the first day of May, 1918, of which he shall give one week's notice by a notice in writing posted up in at least six of the most public places in the said Village of Mildmay, and the said Charles Schurter shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves

themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election, if necessary, shall be held on the same day of the week next following, and the returning officer or chairman shall, at the close of the nomination, duly announce the polling places in the said Village of Mildmay at which the polling is to take place.

4. The said returning officer or chairman shall, by his warrant, appoint a deputy returning officer for each polling place so announced by him, and such returning officer or chairman and each of such deputy returning officers shall, before holding the said election, take the oath of affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in villages in so far as the same do not conflict with this Act, and the said returning officer or chairman shall have all the powers and perform the several duties devolving on village clerks with respect to municipal elections in incorporated villages.

Duties of
Returning
Officer and
Deputies.

5. The clerk of the said Township of Carrick and any other officer thereof shall, upon demand made upon him by the said returning officer or any other officer of the said village, or by the chairman hereinbefore mentioned, at once furnish such returning officer, officers or chairman with a certified copy of so much of the last revised assessment roll for the said village and township as may be required to ascertain the names of the persons entitled to vote in the said village at the said first election, and with the collector's roll, and any document, statement, writing or deed that may be required for that purpose, and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of the electors entitled to vote in each of the said polling divisions respectively, and each such copy shall be verified on oath.

Clerk of
Township
to furnish
part of
assessment
roll.

6. The council of the said village to be elected in manner aforesaid, shall consist of a reeve, who shall be the head thereof, and four councillors, and they shall be organized as a council on the same day of the week next following the week of polling, or if there be no polling, on the same day of the next week following the week of nomination, and subsequent elections shall be held in the same manner as in villages incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office, shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in village councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Council—
how com-
posed.

Declara-
tions of
office and
qualifica-
tion.

7. The several persons who shall be elected or appointed under this Act, shall take the declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like office in villages.

Qualifica-
tion of
electors.

8. At the first election of reeve and councillors for the said Village of Mildmay, the qualifications of electors and that of the officers required to qualify shall be the same as that required in villages by the municipal laws of Ontario, and the qualification for reeve shall be the same as that of a reeve in a village.

Adjust-
ment of
assets and
liabilities.

9. The council of the said Village of Mildmay shall be entitled to recover from the said Township of Carrick such share of all moneys on hand, due, owing and of right collectible by and belonging to the said township at and prior to the said time of incorporation or thereafter, if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said village as shown by the collector's roll of the year 1917, bears to the whole amount of the assessed property of the said Township of Carrick, each to each, and the said village shall be liable to pay to the said township a share in the same proportion of all debts and liabilities existing against the said township at the time this Act shall come into force, as the same shall become due and which are fairly and equitably chargeable against the said village, and in case of dispute, the share to be borne by each respectively shall be ascertained and settled under the provisions of the municipal laws of Ontario.

Expenses
of Act.

10. The expenses incurred in obtaining this Act and those of furnishing any documents or copies of papers, writings, deeds or any matters whatsoever required by the clerk or other officer of the said village or otherwise, shall be borne by the said village and paid by it to any party that may be entitled thereto.

Assess-
ment for
1918.

11. The assessment roll and the assessments and all other matters contained therein for all that part of the Township of Carrick that is hereby created into the Village of Mildmay, as made by the assessor for the said Township of Carrick for the year 1918, shall be as valid and binding upon the persons and properties mentioned in the said assessment roll as if the said Corporation of the Village of Mildmay had been created and the same had been made by an assessor duly appointed by the council of said village municipality at the time the said assessment roll was made, and the clerk of the said Township of Carrick shall forthwith
after

after the expiration of the time limited for appealing to the Court of Revision from the said assessment roll, furnish to the said Charles Schurter, or to the clerk for the time being of the said Village of Mildmay, a true copy certified as such under his hand and the seal of the Corporation of the Township of Carrick, of so much of the said assessment roll as relates to the lands and other properties within the limits of said village, and the income and business assessment of persons residing within such limits, together with all notices of appeal from the assessment or other matters contained in or omitted from the said roll that have been filed with him that relate in any way to the said matters aforesaid, and thereafter the said appeals and the said portion of said assessment roll and the taxes to be payable thereunder shall belong to, be collected by, and be dealt with by the council of the said Village of Mildmay in the same manner as if the said Village of Mildmay had been regularly constituted at the time the said various proceedings were taken and had been made or received by duly appointed officials of the said village corporation.

CHAPTER 70.

An Act respecting the Corporation of the Township of Oliver.

Assented to 26th March, 1918.

Preamble.

WHEREAS the Corporation of the Township of Oliver has by petition represented that it is desirable and in the interests of the ratepayers of said corporation and the public generally that all assessment rolls, tax sales and deeds made, held and given prior to the 31st day of December, A.D. 1916, of lands within the Township of Oliver, should be confirmed, and has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Tax sales
and deeds
confirmed.

1. All sales of land within the limits of the Township of Oliver made prior to the 31st day of December, 1916, and which purport to be made by the said corporation or the treasurer thereof for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, and all deeds of the land so sold, executed by the proper officers of the corporation purporting to convey the said lands so sold to the purchaser thereof or his assigns, are hereby validated and confirmed, and shall be deemed to have had the effect of vesting the lands so sold and conveyed or purported to have been sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns in fee simple and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns, and of all charges and incumbrances thereon and dower therein, except those taxes accrued since those for non-payment whereof the said lands were sold.

Purchases
by cor-
poration.

2. This section shall apply to cases where the corporation or anyone in trust for it, or on its behalf, became the purchaser or grantee of any such lands.

3. Nothing in this section contained shall affect any ac-^{Pending}tion, litigation or other proceedings now pending, but the^{litigation} same may be proceeded with and finally adjudicated upon in^{not affected.} the same manner and to the same effect as if this Act had not been passed.

4. This Act may be cited as *The Township of Oliver Act*,^{Short title.} 1918.

CHAPTER 71.

An Act respecting the Town and Township of Orillia.

Assented to 26th March, 1918.

Preamble.

WHEREAS the Corporation of the Town of Orillia and the Corporation of the Township of Orillia have by their petition represented that the said Town of Orillia has by a By-law number 673 of the said Town, duly passed after such by-law had been approved by a majority of the electors of the said town, provided for the issue and delivery to trustees of debentures of the said Town to the amount of twenty-five thousand dollars (\$25,000), bearing interest at five per cent. per annum, and payable in forty equal, consecutive, annual instalments of principal and interest combined, for the purpose of endowing the Orillia Soldiers' Memorial Hospital, and by the same by-law authorized the execution on behalf of the Town of an agreement with the Orillia General Hospital Board governing such endowment fund, referred to in the said by-law and annexed thereto as Schedule "A"; and that the said Township of Orillia has by its By-law number 954 of the said Township of Orillia duly passed, after such by-law had been approved by a majority of the electors of the said Township, provided for the issue and delivery to trustees of debentures of the said Township to the amount of five thousand dollars, bearing interest at five per cent. per annum, and payable in forty equal, consecutive, annual instalments of principal and interest combined, for the purpose of endowing the said Orillia Soldiers' Memorial Hospital, and by said by-law authorized the execution on behalf of the Township of an agreement with the Orillia General Hospital Board governing such endowment fund, referred to in the said by-law and annexed thereto as Schedule "A"; and whereas the said corporations have by their said petition prayed for an Act ratifying and confirming the said by-laws and the said agreements; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law number 673 of the Town of Orillia, authorizing the issue of debentures to endow the Orillia Soldiers' Memorial Hospital, and the execution of an agreement between the Town of Orillia and the Orillia General Hospital Board providing the conditions governing such endowment fund as passed by the Council of the Corporation of the Town of Orillia on the fifth day of November, A.D. 1917, set out in Schedule I to this Act, is hereby confirmed and declared to be legal, valid and binding upon the Corporation of the Town of Orillia and the ratepayers thereof, and the agreement referred to as Schedule "A" to the said by-law shall, when executed by the parties thereto be legal, valid and binding upon the Corporation of the Town of Orillia and the ratepayers thereof, and upon the Orillia General Hospital Board.

By-law 673,
of Town of
Orillia and
agreement
with
Hospital
Board
confirmed.

2. By-law number 954 of the Township of Orillia, authorizing the issue of debentures to endow the Orillia Soldiers' Memorial Hospital, and the execution of an agreement between the Township of Orillia and the Orillia General Hospital Board providing the conditions governing such endowment fund as passed by the Council of the Corporation of the Township of Orillia on the fifteenth day of January, A.D. 1918, set out in Schedule II to this Act, is hereby confirmed and declared to be legal, valid and binding upon the Corporation of the Township of Orillia and the ratepayers thereof, and the agreement referred to as Schedule "A" to the said by-law shall, when executed by the parties thereto, be legal, valid and binding upon the Corporation of the Township of Orillia and the ratepayers thereof, and upon the Orillia General Hospital Board.

By-law 954
of Township
of Orillia
and agree-
ment with
Hospital
Board
confirmed.

3. The debentures issued or to be issued under the said by-laws by the said Town of Orillia and the said Township of Orillia respectively, and the rates and assessments to be made and collected for the purpose of meeting the payments to be made in respect of the said debentures as provided for in the said by-laws, are hereby declared to be legal, valid and binding upon the respective corporations issuing the same.

Confirma-
tion of
debentures.

4. Notwithstanding any provision or implication to the contrary which may appear in construing the terms of the agreements referred to in the said by-laws of the Town and Township respectively, such agreements shall be construed so as to give preference to returned soldiers of the said Town and Township equally and without preference or priority to returned soldiers of the town as against returned soldiers of the Township, or *vice-versa*.

Treatment
of returned
soldiers.

SCHEDULE I.

BY-LAW No. 673.

OF THE TOWN OF ORILLIA.

For the purpose of authorizing the issue of debentures for the sum of twenty-five thousand dollars (\$25,000.00), to form an endowment fund for the Orillia General Hospital, and to authorize the execution on behalf of the town of an agreement providing for the conditions governing such endowment fund.

Whereas more than fifty thousand dollars (\$50,000.00) has been pledged by private subscription for the construction and equipment of an addition or new building for the purpose of enlarging the present hospital accommodation of the Orillia General Hospital;

And whereas it is proposed to call such hospital hereafter the Orillia Soldiers' Memorial Hospital;

And whereas the Orillia General Hospital Board has undertaken to build and equip a suitable hospital with the subscriptions so pledged as soon as is reasonably practicable;

And whereas the said Hospital Board is willing to enter into an agreement to provide hospital accommodation, medicines and other necessities without charge for Orillia's soldiers for and during a period of forty years, upon and subject to the terms and conditions provided in the agreement shown as Schedule "A" to this by-law;

And whereas the said Hospital Board are prepared to enter into such agreement upon condition that the Town of Orillia provide an endowment fund of twenty-five thousand dollars (\$25,000.00), to assist in the maintenance of the said hospital during the said period of forty years;

And whereas it is desirable to provide for the issue of debentures for the said sum of twenty-five thousand dollars (\$25,000.00) with interest thereon at the rate of five per cent. per annum, and to provide for the deposit of the said debentures with a trustee or trustees in accordance with the terms of the said proposed agreement with the said Hospital Board;

And whereas it will be necessary to levy and raise upon the rateable property of the Town of Orillia the sum of \$1,456.95 annually in each and every year of the said forty years, over and above all other rates and assessments, to meet the combined payments of principal and interest payable, in respect of the said debentures;

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll of the said Town of Orillia, being that for the year 1917, is the sum of \$3,785,325.00;

And whereas the amount of the existing debenture debt of the said municipality (exclusive of local improvement debentures, which amount to \$45,970.31) is \$845,517.26, of which no principal or interest is in arrears;

Now therefore the Municipal Council of the Corporation of the Town of Orillia, enacts as follows:

1. That it shall and may be lawful for the Corporation of the Town of Orillia to issue debentures for the sum of \$25,000.00, bearing interest at the rate of five per cent. per annum, payable yearly, and so that equal annual instalments of principal and interest combined shall repay the whole of the said sum of \$25,000.00 and interest in forty equal annual consecutive instalments.

2. That the said debentures as to principal and interest shall be payable at the Royal Bank of Canada in the Town of Orillia.

3. It shall be lawful for the mayor and treasurer of the said municipality, and they are hereby authorized and instructed, to sign and issue the said debentures hereby authorized to be issued, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

4. For the purpose of providing for the payment of said debentures and interest, the principal and interest shall be combined and made payable in forty equal annual instalments, and in addition to all other rates, there shall be assessed, raised, levied and collected upon all the rateable property of the said municipality in each year during the currency of the said debentures by special rate the sum of \$1,456.95, being a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debentures, and such annual instalments of principal and interest shall be due and payable on the fifteenth day of October, A.D. 1918, and on the fifteenth day of October in each and every year thereafter until forty such instalments have been paid.

5. The said debentures shall be issued and delivered to such trustee or trustees as may be named by Resolution of the Council of the Town of Orillia, in accordance with the provisions of the agreement shown as Schedule "A" hereto, as soon as such agreement has been executed by or on behalf of the Orillia General Hospital Board.

6. Such debentures shall at all times be held by the said trustee or trustees, or his or their successor or successors, subject to and in accordance with the provisions of the said agreement shown as Schedule "A" hereto.

7. That the mayor and clerk of the municipality of the Town of Orillia be and they are hereby authorized to sign and execute the agreement hereinbefore recited, between the Orillia General Hospital Board of the one part, and the Municipal Corporation of the Town of Orillia of the other part, and hereto annexed as Schedule "A," and the clerk is hereby authorized to affix the corporate seal of the Town of Orillia thereto, and the conditions and provisions of the said agreement shall be deemed to form part of this by-law, and to be effective and binding upon the Town Corporation after the execution of the said agreement in the same manner and to the same extent as if such provisions and conditions formed a part of this by-law.

8. This by-law shall take effect from and after the final passing thereof.

Dated and finally passed this fifth day of November, A.D. 1917.

SCHEDULE "A."

MEMORANDUM OF AGREEMENT made (in quadruplicate) this day of October, in the year of our Lord one thousand nine hundred and seventeen.

Between:

THE ORILLIA GENERAL HOSPITAL,
Of the First Part,

—and—

THE MUNICIPAL CORPORATION OF THE TOWN OF ORILLIA,
Of the Second Part.

Whereas over fifty thousand dollars (\$50,000) has been pledged by private subscription for the purpose of enabling the party of the first part to equip additional hospital accommodation; and

Whereas the party of the first part has undertaken as soon as is reasonably practicable to construct and equip such additional accommodation; and

Whereas the party of the second part has agreed to endow the said hospital as hereinafter provided;

Now therefore this agreement witnesseth that in consideration of the premises, the parties hereto, each for itself and its successors and assigns, doth covenant and agree to and with the other and its successors and assigns, in manner following, that is to say:

1. Any building or addition constructed with the said private subscriptions shall be deemed a Memorial of the Orillia soldiers who have been or may be killed in the present war.

2. The hospital of the party of the first part shall hereafter be called "The Orillia Soldiers' Memorial Hospital."

3. The party of the first part shall, as soon as is reasonably practicable, build and equip a suitable hospital or an addition to the present hospital with the moneys privately subscribed as above recited.

4. The Orillia Soldiers' Memorial Hospital shall be at all times maintained as a public and non-sectarian hospital, open to all classes and denominations.

5. The party of the second part shall, as an endowment of the said party of the first part, deposit in the hands of a trustee or trustees to be named as hereinafter provided, debentures for the sum of twenty-five thousand dollars (\$25,000.00) with interest at five per cent. per annum and payable in forty equal annual consecutive instalments of principal and interest combined, the annual payments being in all the sum of fourteen hundred and fifty-six and 95-100 dollars (\$1,456.95); and such debentures shall be due and payable on the 15th day of October, A.D. 1918, and on the 15th day of October in each and every year thereafter until the expiration of the said period of forty years.

6. In such hospital preference shall at all times be given to Orillia soldiers, and after their discharge from the army such soldiers shall be entitled to and provided with hospital accommodation, medicines and other necessities, without charge in such hospital, except when suffering from contagious diseases which cannot be accommodated therein, so long as there is accommodation for them available, provided only that no soldier shall be entitled to more than three months' accommodation in any one year.

7. The party of the first part shall make it one of the regulations of such hospital that any physician or surgeon using the said hospital shall, without charge, furnish professional services to any soldiers while receiving hospital accommodation in the said hospital under the provisions of this agreement.

8. The soldiers entitled to such hospital accommodation shall include all soldiers who have been or may yet go overseas with the Canadian forces who actually resided in the Town of Orillia at the time of enlistment, wherever they enlisted, or whose parents were residents of Orillia at the time of their enlistment, or who were themselves natives of the town.

9. A Board of Reference shall be constituted for the purpose of deciding any matters of dispute which may arise with regard to the conditions of the endowment fund, and such Board shall be composed of four members, appointed by the Town Council of the Town of Orillia, of whom one if possible shall be an officer of His Majesty's forces who has served overseas in the present war, one member appointed by the Hospital Board, and one member appointed by each of the Councils of the Townships in the neighborhood of Orillia, who may contribute a suitable amount to the endowment fund of the party of the first part. No member of the said Board of Reference shall be a member of the body appointing him at the time of his appointment. Members of the said board shall continue as such during life, or until resignation, or until each such member ceases to be a resident of one of the municipalities contributing to the said endowment fund. Vacancies upon the said board shall be immediately filled by the body making the original appointment. Such Board of Reference shall be empowered from time to time as the soldiers return, and so long as may be necessary, to make lists of the soldiers entitled to hospital accommodation under the terms of the proposed endowment, and to furnish copies of such lists to the Council of the municipality to which each belongs, and to the Hospital Board for the time. Such Board of Reference shall also decide in any case of dispute whether or not any individual claiming the same is or is not entitled to hospital accommodation under the terms of the said endowment, or any matter of dispute, difference or question which may arise upon the interpretations, meaning or effect of the agreement entered into by the party of the first part with any of the municipalities interested, and the decision of such Board of Reference shall be final and binding on both of the parties hereto.

10. The party of the second part shall at all times during the proposed endowment term of forty years, be entitled from year to year to appoint two members of the Board governing the proposed Orillia Soldiers' Memorial Hospital, and should an Orillia branch of any recognized Veterans' Association be organized, such branch shall, so long as it is actively maintained, be entitled similarly to appoint two members of the said Board.

11. Such hospital accommodation and medical attendance therein shall be furnished returned soldiers if required as soon as the debentures constituting the endowment have been deposited with a trustee or trustees as hereinafter provided.

12. The party of the first part shall keep an accurate record and report to the Council of the party of the second part at the end of each year the names of all soldiers of the town who have been provided with accommodation during such year under the terms of the endowment, with the length of time each has been in the hospital, and the estimated cost to the party of the first part of the accommodation provided, but this shall not affect or limit the right of the party of the first part to the whole of the debentures or of the annual payment, comprising said endowment fund, so long as the party of the first part complied with the conditions and provisions of this agreement.

13. Should the party of the first part fail, or, for any reason, be unable to fulfill the promises, covenants, and conditions of this agreement, the Board of Reference to be appointed as above provided shall be and is hereby authorized and empowered:

(a) To cancel this agreement and make a new agreement to provide hospital accommodation and medical attendance for such soldiers in some other hospital, and to direct that the endowment fund provided by the party of the second part, or so much of the said debentures as may remain, shall be used to pay for such hospital and medical attendance elsewhere; or,

(b) To withhold payment of the whole or any part of said endowment funds or debentures from time to time until the party of the first part, in the opinion of the majority of such Board of Reference, reasonably fulfills the provisions of this agreement, and in the interval to direct the temporary division of the debentures maturing or part or all of the proceeds of such maturing debentures for the purpose of providing hospital accommodation for the said soldiers elsewhere.

14. As soon as possible after the final passing of the by-law of the Town of Orillia, the Council of the party of the second part shall, by resolution, name a trustee or trustees who shall be the depository of the endowment fund provided by the party of the second part and by any of the townships who may contribute to such endowment fund, and the debentures of the said municipalities constituting the endowment shall be deposited with the said trustee or trustees, and such debentures from time to time as the same fall due shall be delivered by the said trustee or trustees to the party of the first part or its treasurer until said trustee or trustees be notified in writing by or on behalf of the Board of Reference not to do so, and shall then make such disposition of the said debentures or the proceeds thereof from time to time as may be directed by the said Board of Reference in accordance with this agreement.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered,

in the presence of

SCHEDULE II.

BY-LAW No. 954.

OF THE TOWNSHIP OF ORILLIA.

For the purpose of authorizing the issue of debentures for the sum of five thousand dollars (\$5,000.00) to form an endowment fund for the Orillia General Hospital, and to authorize the execution on behalf of the Township of an agreement providing for the conditions governing such endowment fund;

Whereas more than fifty thousand dollars (\$50,000.00) has been pledged by private subscription for the construction and equipment of an addition or new building for the purpose of enlarging the present hospital accommodation of the Orillia General Hospital;

And whereas it is proposed to call such hospital hereafter the Orillia Soldiers' Memorial Hospital.

And whereas the Orillia General Hospital Board has undertaken to build and equip a suitable hospital with the subscriptions so pledged as soon as is reasonably practicable.

And

And whereas the said Hospital Board is willing to enter into an agreement to provide hospital accommodation, medicines and other necessities without charge for soldiers of the Township of Orillia for and during a period of forty years, upon and subject to the terms and conditions provided in the agreement shown as Schedule "A" to this by-law;

And whereas the said Hospital Board are prepared to enter into such agreement upon condition that the Township of Orillia provide an endowment fund of five thousand dollars (\$5,000.00) to assist in the maintenance of the said hospital during the said period of forty years;

And whereas it is desirable to provide for the issue of debentures for the said sum of five thousand dollars (\$5,000.00), with interest thereon at the rate of five per cent. per annum, and to provide for the deposit of the said debentures with a trustee or trustees in accordance with the terms of the said proposed agreement with the said Hospital Board;

And whereas it will be necessary to levy and raise upon the rateable property of the Township of Orillia the sum of two hundred and ninety-one and 39-100 dollars (\$291.39) annually in each and every year of the said forty years over and above all other rates and assessments to meet the combined payments of principal and interest payable in respect of the said debentures;

And whereas the amount of the whole rateable property of the municipality according to the last revised assessment roll of the said Township of Orillia, being that over the year 1917 is the sum of eight hundred thousand one hundred and one dollars (\$800,101.00);

And whereas the amount of the existing debenture debt of the said municipality (exclusive of local improvement (drainage) debentures which amount to \$6,270.51) is \$2,521.88 for school purposes, of which no principal or interest is in arrears.

Now therefore the Municipal Council of the Corporation of the Township of Orillia enacts as follows:

1. That it shall and may be lawful for the Corporation of the Township of Orillia to issue debentures for the sum of five thousand dollars, bearing interest at the rate of five per cent. per annum payable yearly, and so that equal annual instalments of principal and interest combined shall repay the whole of the said sum of five thousand dollars and interest in forty equal annual consecutive instalments.

2. That the said debentures as to principal and interest shall be payable at the Dominion Bank of Canada in the Town of Orillia.

3. It shall be lawful for the reeve and treasurer of the said municipality, and they are hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

4. For the purpose of providing for the payment of the said debentures and interest, the principal and interest shall be combined and made payable in forty annual equal instalments, and in addition to all other rates there shall be assessed, raised, levied and collected upon all the rateable property of the said municipality in each year during the currency of the said debentures by special rate the sum of two hundred and ninety-one and 39-100 dollars (\$291.39), being a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debentures, and such annual instalments of principal and interest shall be

be due and payable on the first day of December, A.D. 1918, and on the first day of December in each and every year thereafter until forty such instalments have been paid.

5. The said debentures shall be issued and delivered to such trustee or trustees as may be named by resolution of the Council of the Township of Orillia in accordance with the provisions of the agreement shown as Schedule "A" hereto as soon as such agreement has been executed by or on behalf of the Orillia General Hospital Board.

6. Such debentures shall at all times be held by the said trustee or trustees, or his or their successor or successors, subject to and in accordance with the provisions of the said agreement as Schedule "A" hereto.

7. That the reeve and clerk of the municipality of the Township of Orillia be, and they are hereby, authorized to sign and execute the agreement hereinbefore recited between the Orillia General Hospital Board of the one part and the Municipal Corporation of the Township of the other part, and hereto annexed as Schedule "A", and the clerk is hereby authorized to affix the Corporate Seal of the Township of Orillia thereto, and the conditions and provisions of the said agreement shall be deemed to form part of this by-law, and to be effective and binding upon the Township Corporation after the execution of the said agreement in the same manner and to the same extent as if such provisions and conditions formed a part of this by-law.

8. This by-law shall take effect from and after the final passing thereof.

Dated and finally passed this fifteenth day of January, A.D. 1918.

SCHEDULE "A."

MEMORANDUM OF AGREEMENT made (in quadruplicate) this day of December, in the year of our Lord one thousand nine hundred and seventeen.

Between:

THE ORILLIA GENERAL HOSPITAL,

Of the First Part,

—and—

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ORILLIA,

Of the Second Part,

Whereas over fifty thousand dollars (\$50,000) has been pledged by private subscriptions for the purpose of enabling the party of the first part to equip additional hospital accommodation; and

Whereas the party of the first part has undertaken as soon as is reasonably practicable to construct and equip such additional accommodation; and

Whereas the party of the second part has agreed to endow the said hospital as hereinafter provided;

Now therefore this agreement witnesseth that in consideration of the premises, the parties hereto, each for itself and its successors and assigns, doth covenant and agree to and with the other and its successors and assigns, in manner following, that is to say:

1. Any building or addition constructed with the said private subscriptions shall be deemed a Memorial of the soldiers of the
Town

Town of Orillia, of the Township of Orillia, and of any other of the endowing townships, who have been or may be killed in the present war.

2. The hospital of the party of the first part shall hereinafter be called "The Orillia Soldiers' Memorial Hospital."

3. The party of the first part shall, as soon as is reasonably practicable, build and equip a suitable hospital or an addition to the present hospital with the moneys privately subscribed as above recited.

4. The Orillia Soldiers' Memorial Hospital shall be at all times maintained as a public and non-sectarian hospital, open to all classes and denominations.

5. The party of the second part shall, as an endowment of the said party of the first part, deposit in the hands of a trustee or trustees to be named as hereinafter provided, debentures for the sum of five thousand dollars (\$5,000.00) with interest at five per cent. per annum and payable in forty equal annual consecutive instalments of principal and interest combined, the annual payments being in all the sum of two hundred and ninety-one and 39/100 dollars (\$291.39), and such debentures shall be due and payable on the 1st day of December, A.D. 1918, and on the 1st day of December in each and every year thereafter until the expiration of the said period of forty years.

6. In such hospital preference shall at all times be given to soldiers of the Town of Orillia, of the Township of Orillia or of any other townships which may join in the endowment of the said hospital and after their discharge from the army such soldiers shall be entitled to and provided with hospital accommodation, medicines and other necessaries, without charge in such hospital, except when suffering from contagious diseases which cannot be accommodated therein, so long as there is accommodation for them available, provided only that no soldier shall be entitled to more than three months' accommodation in any one year.

7. The party of the first part shall make it one of the regulations of such hospital that any physician or surgeon using the said hospital shall, without charge, furnish professional services to any soldiers while receiving hospital accommodation in the said hospital under the provisions of this agreement.

8. The soldiers entitled to such hospital accommodation shall include all soldiers who have been or may yet go overseas with the Canadian forces who actually resided in the Town of Orillia or in the Township of Orillia or in any other of the endowing townships at the time of enlistment, wherever they enlisted, or whose parents were residents of Orillia or of the Township of Orillia or of any other of the endowing townships, at the time of their enlistment, or who were themselves natives of the town or of any such township.

9. A Board of Reference shall be constituted for the purpose of deciding any matters of dispute which may arise with regard to the conditions of the endowment fund, and such Board shall be composed of four members, appointed by the Town Council of the Town of Orillia, of whom one if possible shall be an officer of His Majesty's forces who has served overseas in the present war, one member appointed by the Hospital Board, and one member appointed by each of the Councils of the Townships in the neighborhood of Orillia, who may contribute a suitable amount to the endowment fund of the party of the first part. No member of the said Board of Reference shall be a member of the body appointing him at the time of his appointment. Members of the said board shall continue as such during life, or until resignation, or until each such member ceases to be a resident of one of the municipalities contributing to the said endowment fund. Vacancies upon the said board shall be immediately filled by the body making the original appointment. Such Board of Reference shall be empowered from time to time as
the

the soldiers return, and so long as may be necessary, to make lists of the soldiers entitled to hospital accommodation under the terms of the proposed endowment, and to furnish copies of such lists to the Council of the municipality to which each belongs, and to the Hospital Board for the time. Such Board of Reference shall also decide in any case of dispute whether or not any individual claiming the same is or is not entitled to hospital accommodation under the terms of the said endowment, or any matter of dispute, difference or question which may arise upon the interpretation, meaning or effect of the agreement entered into by the party of the first part with any of the municipalities interested, and the decision of such Board of Reference shall be final and binding on both of the parties hereto.

10. Such hospital accommodation and medical attendance therein shall be furnished returned soldiers of the Township of Orillia, if required, as soon as the debentures constituting the endowment have been deposited with a trustee or trustees as hereinafter provided.

11. The party of the first part shall keep an accurate record and report to the council of the party of the second part at the end of each year the names of all soldiers of the town who have been provided with accommodation during such year under the terms of the endowment, with the length of time each has been in the hospital, and the estimated cost to the party of the first part of the accommodation provided, but this shall not affect or limit the right of the party of the first part to the whole of the debentures or of the annual payment comprising said endowment fund, so long as the party of the first part complies with the conditions and provisions of this agreement.

12. Should the party of the first part fail, or, for any reason, be unable to fulfil the promises, covenants, and conditions of this agreement, the Board of Reference to be appointed as above provided shall be and is hereby authorized and empowered:

(a) To cancel this agreement and make a new agreement to provide hospital accommodation and medical attendance for such soldiers in some other hospital, and to direct that the endowment fund provided by the party of the second part, or so much of the said debentures as may remain, shall be used to pay for such hospital and medical attendance elsewhere; or,

(b) To withhold payment of the whole or any part of said endowment funds or debentures from time to time until the party of the first part, in the opinion of the majority of such Board of Reference, reasonably fulfills the provisions of this agreement, and in the interval to direct the temporary diversion of the debentures maturing or part or all of the proceeds of such maturing debentures for the purpose of providing hospital accommodation for the said soldiers elsewhere.

13. The debentures of the said Township of Orillia, constituting the endowment, shall be deposited with a trustee or trustees, to be named by the Council of the Town of Orillia, as provided in an agreement between the said party of the first part and the Town of Orillia, and such debentures from time to time as the same fall due shall be delivered by the said trustee or trustees to the party of the first part or its treasurer until said trustee or trustees be notified in writing by or on behalf of the Board of Reference not to do so, and shall then make such disposition of the said debentures or the proceeds thereof from time to time, as may be directed by the said Board of Reference in accordance with this agreement.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered,
in the presence of

CHAPTER

CHAPTER 72.

An Act respecting the City of Ottawa.

Assented to 26th March, 1918.

WHEREAS the Corporation of the City of Ottawa has, Preamble.
by its petition, prayed that special legislation be
enacted in regard to the matters set forth; and whereas it
is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Council of the said Corporation may provide by by-laws, to be passed without obtaining the assent thereto of the electors of the said city, for borrowing upon issues of debentures, bearing interest at such rate or rates as the said Council may determine, and payable in twenty (20) years from the date thereof, of sums of money not exceeding the following, for the following purposes: Issue of
twenty-year
debentures
for certain
purposes.

- (a) \$18,000 for the purpose of liquidating the outstanding unfunded liabilities of the Central Canada Exhibition Association;
- (b) \$15,000 to provide for the cost of completing and equipping the corporation workshop at Chamberlain Avenue;
- (c) \$15,000 to meet the cost of contributions made by the Corporation to the Halifax Relief Fund;
- (d) \$20,000 to provide for the cost of making certain structural alterations and extensions to the Isolation Hospital and of remodelling its heating system;
- (e) \$40,000 to provide for the cost of purchasing a site for a soldiers' home, and for purchasing and remodelling or for erecting a building for use for such purpose;

(f)

- (f) \$29,000 to provide for the discount on debentures issued under By-laws Numbers 4122, 4425, 4428, 4347 and 4444.

Issue of
thirty-year
debentures
for certain
purposes.

2. The Council of the said Corporation may provide by by-laws, to be passed without obtaining the assent of the electors of the said city thereto, for borrowing upon issues of debentures bearing interest at such rate or rates as the said Council may determine, and payable within thirty (30) years from the date thereof, of sums of money not exceeding the following, for the following purposes:

- (a) \$34,000 for the purpose of extending the intercepting trunk sewer authorized by By-law number 4122, from its present terminus on Cameron Avenue to the intersection of Grove and Leonard Streets;

- (b) \$50,000 to provide for the Corporation's share of the cost of constructing a new bridge across the Rideau River at the easterly terminus of Rideau Street.

Time for
opening
polls.

3. Notwithstanding anything to the contrary contained in *The Municipal Act*, the Council of the said Corporation may provide by by-law, that at all municipal elections hereafter held in the said city, the polls shall be opened at eight (8) o'clock in the forenoon.

Power to
borrow
\$11,500
discount
on sale
of water
works de-
bentures.

4. The council of the said corporation may provide by by-law, to be passed without obtaining the assent of the electors of the said city thereto, for borrowing upon an issue of debentures, bearing interest at such rate as the said council may determine, and payable within thirty (30) years from the date thereof, of the sum of \$11,500 to provide for the discount on the sale of the debentures issued for the purposes of the waterworks of the said corporation, under the authority of By-laws 4426 and 4427.

5. For the repayment of the debt and interest represented by the debentures to be issued under the authority of section 4, there shall be annually raised by the said corporation during the currency of the said debentures, with the authority conferred upon the said corporation in and by the Act passed in the thirty-fifth year of the reign of her late Majesty Queen Victoria, chaptered 80, and entitled *An Act for the Construction of Waterworks for the City of Ottawa*, from the water rates, a sum sufficient to discharge the said debt and interest when and as the same shall respectively become due, such sum to be in addition to the money required to be raised to

meet

meet the charges of maintenance and the cost of renewals in connection with the said waterworks and for the payment of the principal and interest of all debts heretofore authorized to be contracted against the said water rates, but if at any time the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid, then when and so often as the said deficiency shall occur, there shall be raised, levied and collected by the said corporation by a special rate upon the assessable property of the said corporation, according to the then last revised assessment roll thereof, a sum sufficient to make good such deficiency.

CHAPTER 73.

An Act to Confirm By-Law No. 1833 of the Town of Owen Sound.

Assented to 26th March, 1918.

Preamble.

WHEREAS the Corporation of the Town of Owen Sound has by petition represented that the ratepayers of the said Town of Owen Sound having duly approved thereof by a vote of more than two-thirds of those voting on the by-law, and the said corporation have by a vote of three-fourths of all the members of the council of the said corporation on the 13th day of February, 1918, passed By-law No. 1833 of the said town to authorize the said corporation to guarantee the bonds of the King Shoe Company, Limited, and to grant them exemption from taxes as in said by-law set out; and whereas the said Corporation of the Town of Owen Sound has by the petition prayed that an Act may be passed ratifying and confirming the said by-law and the agreement therein set out; and whereas it is expedient to grant the prayer of the petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No.
1833 con-
firmed.

1. By-law No. 1833 of the Corporation of the Town of Owen Sound and the said agreement set out in schedule "A" hereto are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation, the ratepayers thereof and all parties to the said agreement.

SCHEDULE "A"

BY-LAW NO. 1833 OF THE TOWN OF OWEN SOUND.

A by-law to authorize the guarantee of bonds of the King Shoe Company, Limited, to the extent of \$30,000.

Whereas by an agreement dated the 10th day of December, 1917, between the King Shoe Company, Limited, hereinafter called the Company, of the first part, and the Corporation of the Town of Owen Sound, hereinafter called the Corporation, of the second part, the said Corporation in consideration of certain agreement to and under certain stipulations has agreed to guarantee the bonds of the said King Shoe Company, Limited, to the extent of 30,000 dollars;

And whereas it may be necessary, in case of default by the said King Shoe Company, Limited, under the said agreement, to provide for the payment of interest on the said bonds during the whole or part of the period of twenty years from the coming into force of this by-law, the sum of \$1,800 per annum and also a further amount of \$1,498.26 per annum by way of providing for a sinking fund for the redemption of the said bonds;

And whereas the amount of the whole rateable property of the said Town of Owen Sound, according to the last revised assessment roll is \$6,291,420.00;

And whereas the amount of the existing debenture debt of the Corporation is \$1,331,130.37 and the amount exclusive of local improvement debt secured by special rate or assessment is \$1,075,437.63, and no part of the principal or interest is in arrear:

The Municipal Council of the Corporation of the Town of Owen Sound therefore enacts as follows:

1. That the execution of the said agreement, being schedule "A" to this by-law, on behalf of the Corporation of the Town of Owen Sound by the mayor and clerk of the council thereof is hereby authorized, ratified and confirmed and the said agreement is hereby incorporated in this by-law and shall be read and confirmed as part thereof.

2. The mayor and clerk are hereby authorized to endorse the said bonds in such form as may be requisite to give due effect to the said guarantee.

3. During each of the twenty years commencing with the coming into force of this by-law there may be raised, assessed and levied annually by a special rate sufficient therefor on the whole rateable property of the said Town of Owen Sound, the sum of \$1,800 or such lesser sum as may be necessary for the purpose of paying the interest on the said bonds in case of default in payment thereof by the said Company.

4. During the period of fifteen years commencing after the expiration of five years from the coming into force of this by-law there may be raised, assessed and levied annually by a special rate sufficient therefor on the whole rateable property of the said Town of Owen Sound, the said sum of \$1,498.26 or such lesser sum as may be necessary for the purpose of providing a sinking fund for the redemption of the said bonds.

5. This by-law shall come into force and effect on its ratification by the Legislature of Ontario.

Council Chamber, Owen Sound. Read 1st and 2nd times, Dec. 10, 1917. Voted on Jan. 7th, 1918. Read 3rd time, February 13th, 1918.

KEITH WEBSTER,
Mayor.
CHAS. GORDON,
Clerk.

(Seal of Corporation.)

SCHEDULE

SCHEDULE "A."

Memorandum of agreement made in duplicate this 10th day of December, 1917.

Between:

The King Shoe Co., Limited, hereinafter called the Company, of the first part;

and

The Municipal Corporation of the Town of Owen Sound, hereinafter called the Corporation, of the second part.

Whereas the said company is desirous of establishing a business in the said town for the manufacture of boots and shoes and has agreed under the conditions hereinafter set out to erect or procure and establish and operate a factory building, plant and machinery in the said Town of Owen Sound for the purpose of carrying on the said business;

And whereas the said corporation has agreed to guarantee the bonds of the said company to the extent of \$30,000 and to grant certain exemptions from taxation and to submit to the electors of the said town for approval a by-law authorizing the said guarantee and exemptions:

Now therefore this agreement witnesseth and it is agreed by and between the said company and the said corporation and their respective successors and assigns as follows:—

1. The said company will establish a factory in the said Town of Owen Sound and for that purpose will erect or procure a suitable building and site in the said town, the said building to comprise an initial main building of substantial construction with an area of seven thousand superficial feet and of one or more storeys in height and to be built of brick, stone or concrete.

2. The said factory shall have an initial capacity for the manufacturing of not less than two hundred pairs of shoes per day with the necessary room and building capacity for at least 800 pairs per day, and be furnished with all such plant, machinery and appliances as shall be necessary for carrying on the manufacture of boots and shoes in the most modern and up-to-date manner.

3. The said building, plant and machinery shall be complete and ready for manufacturing within six months after the coming into force of a by-law of the corporation authorizing and approving of this agreement.

4. The said factory shall be operated continuously during the period of twenty years after the said time for completion mentioned in the last preceding paragraph and shall have drawing pay, during the whole of the said term of twenty years, except when prevented by strikes, fire or other conditions over which the said company shall have no control, at least forty employees resident in the said Town of Owen Sound.

5. By way of providing security for the redemption of the bonds hereinafter mentioned the said company agrees to deposit with a chartered bank, to be selected by the municipal council of the said corporation, each year after the expiration of five years from the passing of the said by-law, such annual sum as may be calculated with accrued interest to provide at the end of the said period of twenty years an amount of money sufficient to redeem the said bonds at a premium of five per cent., that is to say, one hundred and five per cent. of their par or face value, such money or any surplus thereof not required for such redemption to be repaid to the said company immediately after such redemption; and the said company further agrees to pay and satisfy the interest on the said bonds as the same comes due and to furnish to the municipal council of the said corporation from time to time satisfactory evidence of such payment.

6. The said company will execute and deliver to the said corporation as security for the carrying out of this agreement a first mortgage, approved by the said municipal council, upon the said site, buildings and plant, free from all incumbrance.

7. The said company will keep the said buildings and plant at all times insured for at least \$30,000, loss, if any, payable to the said corporation as its interest may appear, the said insurance to be placed through agents paying business tax in the said corporation in one or more solvent companies acceptable to the said municipal council, it being understood that no director of the company shall act as agent in placing such insurance; provided that if default should be made in maintaining such insurance the said corporation may place such insurance and charge the premium thereon to the said company.

8. The said company hereby consents to the bonusing of any other manufacturing business that may be established in the said town during the said period of twenty years.

9. The said corporation agrees to guarantee the principal and interest of bonds of the said company to be issued bearing interest at the rate of 6 per cent. per annum, payable half yearly, redeemable at the expiration of twenty years from the issue thereof at a premium of five per cent., that is to say 105 per cent. of their par face value, such guarantee to be advanced as follows: one-third on the completion of the buildings and the execution and delivery of the mortgage as aforesaid and the balance so soon as the business shall be in operation, as provided by clause 4.

10. The said corporation agrees to exempt the land, buildings, plant and machinery in connection with the said factory from municipal taxes, exclusive of school taxes and local improvement rates, for a period of ten years from the first day of January, 1918, so long as the said business is carried on as aforesaid.

11. The said corporation agrees to pass conditionally a by-law ratifying this agreement and to submit the same to the electors for approval at the ensuing municipal election and if so approved to pass the said by-law subject to its coming into force upon being sanctioned by the Legislature of Ontario.

12. It is understood and agreed that this agreement shall not become operative and binding upon the parties hereto unless and until the assent of the electors of the said corporation shall have been obtained to the passing of the said by-law and the sanction of the Legislature shall have been obtained as aforesaid.

13. The said corporation agrees to use its best endeavours to procure the passing of a special Act of the Legislature of Ontario sanctioning the said by-law.

14. It is further understood and agreed that if the said company shall not establish the said factory as provided in this agreement after the passing of the said by-law and the sanctioning thereof, the said company shall pay to the said corporation all expenses connected with the passing of the said by-law and shall deposit with the town treasurer the amount required by By-law No. 1559 as security for such payment.

In witness whereof the said parties have hereunto set their seals, attested by the signatures of their officials duly authorized in that behalf.

(Seal.)

J. S. KING,
President.

W. F. MARGUARDT,
Secretary.

R. D. LITTLE,
Mayor.

CHAS. GORDON,
Clerk.

(Seal)

CHAPTER

CHAPTER 74.

An Act respecting the Town of Perth.

Assented to 26th March, 1918.

Preamble.

WHEREAS the Municipal Corporation of the Town of Perth has by its petition represented that in the year 1911, the said corporation granted by way of bonus to the Perth Carpet Company, Limited, the sum of twenty-five thousand dollars (\$25,000) by way of loan secured by mortgage on the property of the company situate in the said Town of Perth; and that in the year 1916, the Perth Carpet Company, Limited, being in default in respect of the annual payments under such mortgage and being otherwise in financial difficulty, under authority of By-law No. 1229 and the agreement therein referred to as set out in schedule "A" hereto, a conveyance of the equity of redemption in the said property was accepted by the town and the property was conveyed and under the authority of By-law No. 1230 and the agreement therein referred to, as set out in schedule "B" hereto the property was sold to Boyd, Caldwell & Company, Limited, who assumed and agreed to pay in respect thereof, twenty thousand dollars (\$20,000) in certain annual instalments as therein set out; and that under By-law No. 1232, as set out in schedule "C" hereto, the execution of a discharge of the mortgage from the Perth Carpet Company to the town was authorized; and whereas by the said petition, the said corporation has represented that it had incurred a floating debt amounting to the sum of thirty thousand dollars (\$30,000), which indebtedness has accumulated through marked changes and conditions in said municipality and by extraordinary expenditures for public school, collegiate institute, street improvements, special grants for patriotic purposes and to meet such extraordinary expenditures the said sum of thirty thousand dollars (\$30,000) has been borrowed from the Merchants Bank of Canada from time to time and that to make levy in addition to the annual levy now made, would unduly burden and be oppressive upon the ratepayers of the said town; and whereas the council of the said corporation did on the 24th day of September, 1917, submit By-law No. 1267 of the said town, as set out as schedule "D" hereto, to the qualified electors of the said

town

town for the purpose of consolidating said floating debt, when four hundred and five electors voted for the said by-law and ten against the same, and the corporation by its said petition has prayed that an Act may be passed confirming the said By-laws Nos. 1229, 1320 and the agreements therein referred to, By-law No. 1323 and the discharge of mortgage therein referred to, and By-law No. 1267; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 1229 of the Municipal Corporation of the Town of Perth and the agreement therein referred to as set forth in schedule "A" to this Act; By-law No. 1230 of the Municipal Corporation of the Town of Perth and the agreement therein referred to, as set forth in schedule "B" to this Act; By-law No. 1232 of the Municipal Corporation of the Town of Perth and the discharge therein referred to, as set out in schedule "C" to this Act, are declared legal, valid and binding upon the said municipal corporation in the same manner and to the same extent as if set out at length and incorporated in this Act, and notwithstanding any want of jurisdiction of the said municipality to pass the said by-laws or execute the said agreement, and notwithstanding any defect in substance or in form of the said by-laws or any of them or in the manner of passing the same or the execution of the agreements and discharge therein referred to.

Confirmation
of certain
by-laws and
agreements.

2. The Corporation of the Town of Perth is hereby authorized under the hand of the mayor and clerk and seal of the said corporation as and when all payments are made under the terms of By-law 1230 and the agreement therein referred to, as set out in schedule "B" hereto, to execute and deliver a deed or deeds of the property as provided for under the terms of the said agreement.

Authority
to convey
property.

3. By-law No. 1267 of the Municipal Corporation of the Town of Perth, as set forth in schedule "D" to this Act, is declared legal, valid and binding upon the said municipal corporation in the same manner and to the same extent as if set out at length and incorporated in this Act, and notwithstanding any want of jurisdiction of the said municipality to pass the said by-law and notwithstanding any defect in the said by-law or in the manner of passing the same.

By-law No.
1267 con-
firmed.

4. The floating debt of the Corporation of the Town of Perth is consolidated at the sum of thirty thousand dollars

Floating
debt con-
solidated at
\$30,000.

(\$30,000)

(\$30,000) and the said corporation may borrow by special issue of debentures a sum not exceeding thirty thousand dollars (\$30,000) for the floating debt.

Application
of proceeds
of debentures.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in payment of the said floating debt of thirty thousand dollars (\$30,000) and in no other manner and for no other purposes whatsoever.

SCHEDULE "A"

By-Law No. 1229.

By-law to authorize the mayor and clerk to execute on behalf of the Corporation of the Town of Perth a deed of conveyance from the Perth Carpet Company, Limited, and to affix the Corporate Seal thereto and to authorize the payment of \$7,500 to the said company to cover the consideration mentioned in the said deed of conveyance.

Passed the 7th day of February, 1916.

Whereas under and by virtue of a mortgage dated the 28th day of October, 1911, and duly registered in the Registry Office for the South Riding of the County of Lanark on the 15th day of November, 1911, in Book "3Q" for the Town of Perth as number 6077, the Perth Carpet Company, Limited, did grant and mortgage to the Corporation of the Town of Perth the lands and premises in the said mortgage described;

And whereas the said Perth Carpet Company, Limited, is in default in the payment of the two annual instalments which under the terms of the said mortgage fell due on the 10th day of December in each of the years 1914 and 1915;

And whereas an agreement has been entered into between the said company and the said corporation by which the company is to convey to the corporation the equity of redemption in the lands and premises contained and described in the said mortgage and certain property thereunto appurtenant and appertaining in consideration of the payment to the company by the corporation of the sum of \$7,500;

And whereas it is necessary and expedient that the said deed of conveyance should be executed on behalf of the said corporation;

Therefore, the Corporation of the Town of Perth by the Municipal Council thereof enacts as follows:

1. That the mayor and clerk be and they are hereby authorized and instructed to execute the said deed of conveyance on behalf of the said corporation and to affix the Corporate Seal thereto.

2. That the sum of seven thousand and five hundred dollars the amount of the consideration in the said deed of conveyance mentioned be paid to the said Perth Carpet Company, Limited, forthwith upon delivery of such possession as this council may consider satisfactory and that the treasurer of the said corporation be and he is hereby authorized and instructed to issue a cheque for the said sum of \$7,500, payable to the Perth Carpet Company, Limited.

(Sgd.) JAS. J. HANDS,
Mayor.
(Sgd.) JNO. A. KERR,
Town Clerk.

(Seal)

This

This Indenture made the seventh day of February in the year of Our Lord One Thousand Nine Hundred and Sixteen,

Between

Perth Carpet Company, Limited, of the Town of Perth, in the County of Lanark, hereinafter called the grantor, of the first part,

and

The Corporation of the Town of Perth, hereinafter called the grantee, of the second part.

Whereas the grantor is the owner of all that certain parcel or tract of land and premises hereinafter described, together with the equipment and machinery also hereinafter described, subject, however, to a certain mortgage to the grantee, dated the 28th day of October, 1911, for \$20,000;

And whereas the said grantors are in default in the payment of the annual instalments due under the said mortgage for the years 1914 and 1915;

And whereas the grantor has agreed to release and convey its equity of redemption in the said lands and premises and the said equipment and machinery to the grantee for the price or sum of seven thousand five hundred dollars (\$7,500).

Now this indenture witnesseth that the grantor, in consideration of seven thousand five hundred dollars (\$7,500) to it now paid by the grantee, the receipt whereof is hereby acknowledged, doth hereby grant, release and quit claim unto the grantee, its successors and assigns, all estate, right, title, interest, claim and demand whatsoever both at law and in equity howsoever and whether in possession or expectancy of it, the said grantor, of, in, to or out of all that certain parcel or tract of land and premises situate, lying and being in the Town of Perth, in the County of Lanark and Province of Ontario, being composed of parts of lots numbers nine (9) and ten (10) fronting on the northerly boundary of DeWattville Street, and parts of lots numbers nine (9) and ten (10) fronting on the southerly boundary of DeWattville Street, also a part of DeWattville Street and a part of Chetwynd Street; containing an area of two and seventy-one thousandths (2.071) acres, more or less (as shown edged in red on the plan thereof attached to the deed of the said lands from The Ontario and Quebec Railway Company to the said grantor, dated the thirtieth day of September, 1911, and registered in the Registry Office for the South Riding of the County of Lanark). The limits of said tracts or parcel of land being described as follows, namely: Commencing at a point on the easterly boundary of Sherbrooke Street, distant four hundred and twelve (412) feet, six (6) inches, measured southerly along the said easterly boundary of Sherbrooke Street, from its intersection with the southerly boundary of Herriott Street, and proceeding from said point of commencement northerly along the aforesaid easterly boundary of Sherbrooke Street, a distance of ninety-one (91) feet four (4) inches; thence, on a course, north seventy-two (72) degrees and forty-five (45) minutes east, a distance of four hundred and thirty (430) feet; thence, south forty-nine (49) degrees and five (5) minutes east a distance of one hundred and eighty (180) feet; thence south thirty (30) degrees and five (5) minutes west, a distance of two hundred and sixty-two (262) feet, more or less, to a point on the boundary line between the property of the said The Ontario and Quebec Railway Company and the property of His Majesty the King or representatives (deeded by the Canadian Pacific Railway Company for canal purposes); thence in an irregular curved line north-westerly and westerly along the said boundary between the property of the said The Ontario and Quebec Railway Company and the property of His Majesty the King, a distance of four hundred and sixteen (416) feet, more or less to the point of commencement.

The bearing being magnetic, the said easterly boundary of Sherbrooke Street being assumed to have a bearing of north thirty-one (31) degrees and ten (10) minutes west, together with the appurtenances thereto belonging and appertaining and also the steam plant, dynamo and attachments, elevator, heating plant, wiring, shafting in the weave, and spinning sheds and upstairs, belting and pulleys, and one lathe, and all other property and equipment in or upon the said premises except only such as is included in a memorandum bearing even date herewith and signed by the said grantor and grantee.

To hold the said lands and premises with all and singular the appurtenances thereto belonging or appertaining but not including any machinery or equipment except as hereinbefore set out unto and to the use of the grantee, its successors, and assigns forever.

It is understood and agreed that this grant is intended to cover the equity of redemption of the grantor with the intention that the grantee shall and hereby does release the grantor from all liability upon or in connection with the said mortgage upon the said lands hereinbefore set out, including two certain notes given to secure overdue payments on the said mortgage.

In witness whereof the president and secretary of the said company, the grantor, have hereunto set their hands and affixed the Corporate Seal of the company, and the proper officers of the corporation, the grantee, have hereunto set their hands and affixed the seal of the corporation.

THE CORPORATION OF THE TOWN OF PERTH

(Sgd.) JAS. J. HANDS,
Mayor.

(Seal.)

(Sgd.) JNO. A. KERR,
Clerk.

PERTH CARPET COMPANY, LIMITED.

(Sgd.) W. B. HART,
President.

(Seal.)

(Sgd.) WM. L. TOWLE,
Secretary

SCHEDULE "B"

BY-LAW No. 1230.

By-law to authorize the mayor and clerk of the Corporation of the Town of Perth on behalf of the said corporation to execute an agreement for sale of certain lands to Boyd, Caldwell & Co., Limited.

Passed the 7th day of February, A.D. 1916.

Whereas the Corporation of the Town of Perth is the owner in fee simple of all and singular that certain parcel or tract of land and premises situate, lying and being in the Town of Perth, in the County of Lanark and Province of Ontario, being composed of part of lots number nine (9) and ten (10) fronting on the northerly boundary of DeWattville Street, and parts of lots number nine (9) and ten (10) fronting on the southerly boundary of DeWattville Street, also a part of DeWattville Street and a part of Chetwynd Street; containing an area of two and seventy-one thousandths (2,071) acres, more or less (as shown edged in red on the plan thereof attached to the deed of the said lands from The Ontario and Quebec Railway Company to the Perth Carpet Company, Limited, dated the thirtieth day of September, 1911, and registered in the Registry Office for the South Riding of the County of Lanark). The

limits

limits of said tract or parcel of land, being described as follows, namely: Commencing at a point on the easterly boundary of Sherbrooke Street, distant four hundred and twelve (412) feet, six (6) inches, measured along the said easterly boundary of Sherbrooke Street, from its intersection with the southerly boundary of Herriott Street, and proceeding from said point of commencement northerly along the aforesaid easterly boundary of Sherbrooke Street, a distance of ninety-one (91) feet, four (4) inches; thence on a course, north seventy-two (72) degrees and forty-five (45) minutes east, a distance of four hundred and thirty (430) feet, thence south forty-nine (49) degrees and five minutes east, a distance of one hundred and eighty (180) feet, thence south thirty (30) degrees and five (5) minutes west, a distance of two hundred and sixty-two (262) feet, more or less to a point on the boundary line between the property of the said The Ontario and Quebec Railway Company and the property of His Majesty the King or representatives (deeded by the Canadian Pacific Railway Company for canal purposes); thence in an irregular curved line north-westerly along the said boundary line between the property of the said, The Ontario and Quebec Railway Company and the property of His Majesty the King, a distance of four hundred and sixteen (416) feet, more or less, to the point of commencement. The bearing being magnetic, the said easterly boundary of Sherbrooke Street being assumed to have a bearing of north thirty-one (31) degrees and ten (10) minutes west;

And whereas the said lands and premises with the appurtenances thereto appertaining have been sold by the said corporation to Boyd, Caldwell & Co., Limited;

And whereas an agreement of sale has been entered into between the said corporation and Boyd, Caldwell & Co., Limited, setting forth the terms and conditions of the said sale;

And whereas it is necessary the said agreement for sale should be executed on behalf of the corporation of the Town of Perth by the mayor and clerk thereof:

Therefore the Corporation of the Town of Perth by the municipal council thereof, enacts as follows:

That the mayor and clerk be and they are hereby authorized and instructed to execute the said agreement for sale on behalf of the said corporation and to affix the corporate seal thereto.

(Sgd.) JAS. J. HANDS,
Mayor.

(Seal)

(Sgd.) JNO. A. KERR,
Clerk.

Articles of agreement made and entered into the seventh day of February, in the year of Our Lord one thousand nine hundred and sixteen,

Between:

The Corporation of the Town of Perth, hereinafter called the party of the first part;

and

Boyd, Caldwell & Co., Limited, doing business at the Village of Lanark, in the County of Lanark, manufacturers, hereinafter called the party of the second part.

Whereas the party of the first part hath agreed to sell to the party of the second part and the party of the second part hath agreed to purchase from the said party of the first part, the lands, hereditaments and premises hereinafter mentioned, that is to say:

ALL

All and singular that certain parcel or tract of land and premises, situate, lying and being in the Town of Perth, in the County of Lanark and Province of Ontario, being composed of part of lots number nine (9) and ten (10) fronting on the northerly boundary of DeWattville Street, and parts of lots number nine (9) and ten (10) fronting on the southerly boundary of Dewattville Street; also a part of DeWattville Street, and a part of Chetwynd Street; containing an area of two and seventy-one thousandths (2.071) acres, more or less (as shown edged in red on the plan thereof attached to the deed of the said lands from The Ontario and Quebec Railway Company to the Perth Carpet Company, Limited, dated the thirtieth day of September, 1911, and registered in the Registry Office for the South Riding of the County of Lanark). The limits of the said tract or parcel of land being described as follows, namely: Commencing at a point on the easterly boundary of Sherbrooke Street, distant four hundred and twelve (412) feet, six (6) inches, measured southerly along the said easterly boundary of Sherbrooke Street, from its intersection with the southerly boundary of Herriott Street, and proceeding from said point of commencement northerly along the aforesaid easterly boundary of Sherbrooke Street a distance of ninety-one (91) feet four (4) inches; thence on a course north seventy-two (72) degrees and forty-five (45) minutes east, a distance of four hundred and thirty (430) feet; thence south forty-nine (49) degrees and five (5) minutes east, a distance of one hundred and eighty (180) feet; thence south thirty (30) degrees and five (5) minutes west, a distance of two hundred and sixty-two (262) feet, more or less, to a point on the boundary line between the property of the said The Ontario and Quebec Railway Company and the property of His Majesty the King, or representatives, (deeded by the Canadian Pacific Railway Company for canal purposes); thence, in an irregular curved line north-westerly and westerly along the said boundary between the property of the said The Ontario and Quebec Railway Company and the property of His Majesty the King, a distance of four hundred and sixteen (416) feet, more or less, to the point of commencement. The bearing being magnetic, the said easterly boundary of Sherbrooke Street being assumed to have a bearing of north thirty-one (31) degrees and ten (10) minutes west. For greater certainty this conveyance is to include the buildings, steam plant, wiring, dynamo and attachments, elevator, heating plant, shafting in the weave and spinning sheds and upstairs, certain belts and pulleys and one lathe, all on the said premises, and all other property acquired by the party of the first part from the Perth Carpet Company, Limited, together with all the privileges and appurtenances thereto belonging, at or for the price or sum of twenty thousand dollars (\$20,000) of lawful money of Canada, payable in manner and on the days and times herein-after mentioned, that is to say: In ten equal annual instalments of two thousand dollars (\$2,000) each, without interest, on the seventh day of February in each of the ten years next ensuing after the date hereof. The first of such payments to be due and payable on the seventh day of February, A.D. 1917.

Now it is hereby agreed between the parties aforesaid in manner following, that is to say: The said party of the second part doth covenant, promise and agree to and with the party of the first part that it will well and truly pay or cause to be paid, to the said party of the first part the said sum of money above mentioned on the days and time and in the manner above set forth and also shall and will pay and discharge all taxes, rates and local improvement assessments wherewith the said lands may be rated and charged from and after the first day of January, A.D. 1916.

It is further agreed that the party of the said second part may pay the whole or any part of the purchase money hereinbefore provided for at any time prior to the date on which the same is due, by computing the present worth of the future payments on a six per cent. interest basis. In pursuance of this provision, the said party

party of the second part will pay upon execution of these presents, the sum of \$7,500 on account of the future payments due hereunder. It is agreed that the said payment of \$7,500 represented the present worth of \$8,762.00 on account of the future payments provided for herein. This payment of \$7,500 will entitle the party of the second part to be credited with the \$2,000 payments due in the years 1917, 1918, 1919 and 1920, and \$762.00 on account of the \$2,000 payment due in 1921.

In consideration whereof and on payment of the said sum of money as aforesaid, the said party of the first part doth covenant, promise and agree to and with the said party of the second part to convey and assure, or cause to be conveyed and assured to the party of the second part by a good and sufficient deed in fee simple, all that said piece or parcel of land and premises above described, together with the appurtenances thereto belonging or appertaining, but subject to the conditions and reservations expressed in the original grant from the Crown; such deed shall contain the ordinary and usual covenants.

And also shall and will suffer and permit the said party of the second part to enjoy and occupy the same until default is made in the payment of the said sums of money above mentioned on the days and times and in the manner above mentioned.

And it is expressly understood that time is to be considered the essence of this agreement, and unless the payments are punctually made at the times and in the manner above mentioned, these presents shall, at the option of the said party of the first part, be null and void and of no effect and the said party of the first part shall be at liberty to resell the said lands.

Until the purchase money has been fully paid the said party of the second part will keep the buildings on the said land insured for a sum equal to the amount remaining due to the said party of the first part under this agreement, with loss payable to the said party of the first part as its interest may appear.

This agreement shall be binding on and for the benefit of the successors and assigns of both parties hereto.

In witness whereof the party of the first part has caused these presents to be executed by its mayor and clerk and the seal of the corporation to be affixed, and the party of the second part has caused these presents to be executed by its president and vice-president, and its corporate seal to be affixed.

THE CORPORATION OF THE TOWN OF PERTH.

(Sgd.) JAS. J. HANDS,
Mayor.

(Seal.)

(Sgd.) JNO. A. KERR,
Clerk.

BOYD, CALDWELL & CO., LIMITED.

(Sgd.) THOS. B. CALDWELL,
President.

(Seal.)

(Sgd.) BOYD A. C. CALDWELL,
Vice-President.

SCHEDULE "C"

BY-LAW No. 1232.

By-law to authorize the mayor and clerk to execute on behalf of the Corporation of the Town of Perth a discharge of the mortgage held by the corporation against the lands and premises of the Perth Carpet Company, Limited.

Passed the 7th day of February, A.D. 1916.

Whereas by mortgage dated the 28th day of October, 1916, the Perth Carpet Company, Limited, did grant and mortgage certain lands and premises to the said corporation, and such mortgage was duly registered in the Registry Office for the South Riding of the County of Lanark;

And whereas by an agreement entered into between the said company and corporation the company has conveyed its equity of redemption in the said lands to the corporation and is to be relieved from all further liability under the said mortgage:

Therefore the Corporation of the Town of Perth by the municipal council thereof enacts as follows:

That the mayor and clerk be and they are hereby authorized and instructed to execute on behalf of the said corporation a discharge of the said mortgage.

(Sgd.) JAS. J. HANDS,
Mayor.

(Seal.)

(Sgd.) JNO. A. KERR,
Clerk.

Canada,
Province of Ontario,
County of Lanark,
To Wit:

} Dominion of Canada.

To the Registrar of the Registry Division of the South Riding of the County of Lanark.

The Corporation of the Town of Perth doth certify that the Perth Carpet Company, Limited, hath satisfied all money due or to grow due on a certain mortgage made by it to the Corporation of the Town of Perth, which mortgage bears date the twenty-eighth day of October, A.D. 1911, and was registered in the Registry Office for the Registry Division of the South Riding of the County of Lanark on the fifteenth day of November, 1911, at five minutes past one o'clock in the afternoon, in Book 3Q, for the Town of Perth, as No. 6077;

And that such mortgage has not been assigned;

And that the said Corporation is the person entitled by law to receive the money;

And that such mortgage is therefore discharged.

In witness whereof the said Corporation has caused these presents to be executed by the Mayor and Clerk and the Corporate Seal to be affixed hereto.

The Corporation of the Town of Perth.

(Sgd.) JAS. J. HANDS,
Mayor.

(Seal.)

(Sgd.) JNO. A. KERR,
Clerk.

February 7th, 1916.

SCHEDULE " D "

BY-LAW No. 1267.

A by-law to consolidate the floating debt of the Corporation of the Town of Perth and to authorize the issue of debentures of the said town to the amount of \$30,000 for the purpose of paying the said debt.

Passed the 10th day of October, A.D. 1917.

Whereas the Corporation of the Town of Perth is indebted to the Merchants Bank of Canada for certain sums of money advanced from time to time during recent years to the municipal corporation of the said town and expended by the municipal council for lawful and necessary purposes;

And whereas it would be unduly oppressive to the ratepayers of the said town if the amount now necessary to pay the indebtedness to the said bank as aforesaid was levied and collected in one year;

And whereas it is deemed expedient in the interest of the ratepayers of the said municipality to raise the sum of thirty thousand dollars (\$30,000) to pay the floating indebtedness of the said town and extend the payment of such debt so created over a period of twenty years;

And whereas the amount of the debt to be created by this by-law is the sum of thirty thousand dollars (\$30,000) and the purpose for which the said debt is created is to pay the floating debt of the municipality as aforesaid;

And whereas it is desirable to make the principal of the said debt repayable by annual instalments during the period of twenty years. Such instalments of principal to be of such amounts that the aggregate sum payable for principal and interest in each year will be equal as nearly as may be to the amount payable in each of the other years;

And whereas it will be necessary to raise annually for the period of twenty years during the currency of the debentures to be issued under this by-law, the sum of \$2,615.53 for the purpose of paying the several annual instalments of principal and interest;

And whereas the amount of the whole rateable property of the said Town of Perth according to the last assessment roll, is the sum of \$1,378,575;

And whereas the amount of the existing debenture debt of the said town exclusive of the sum secured under local improvement by-law is the sum of \$177,541.16;

And whereas the debenture debt of the said town issued under local improvement by-laws and secured by local improvement assessments is the sum of \$48,338.02:

Therefore the Municipal Council of the Corporation of the Town of Perth enacts as follows:

1. That it shall and may be lawful for the Mayor and Treasurer of the said Town of Perth for the purpose aforesaid to borrow on the credit of the Corporation of the Town of Perth the sum of Thirty Thousand Dollars (\$30,000.00), and to issue debentures to the said municipality for the said sum.

2. That such debentures shall be in sums of not less than One Hundred Dollars (\$100.00) each and shall bear interest at the rate

of

of Six Per Cent. (6%) per annum yearly and shall have coupons attached thereto for the payment of interest and shall, both as to principal and interest, be payable at the Merchants Bank of Canada in the said Town of Perth.

3. That during the twenty years next ensuing after the year 1917, the principal of the said debt shall be repayable by yearly sums and the said yearly sums shall be of such an amount that the aggregate sum payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so repayable in each of the other nineteen years of the said period of twenty years.

4. That it shall be lawful for the Mayor of the said town, and he is hereby authorized and instructed to sign and issue the debentures hereby authorized to be issued, and to cause the same, and the interest coupons attached thereto, to be signed by the Treasurer of the said municipality and the Clerk of the said municipality is hereby authorized and instructed to attach the seal of the said Corporation to the said debentures.

5. That the said debentures shall all be issued at the one time, within one year from the final passing of this by-law and shall be payable in twenty annual instalments, next after the date of the issue thereof, and the respective amounts of principal and interest payable in each of the said years shall be as follows:

Year.	Principal.	Interest.	Total.
1918	\$815 53	\$1,800 00	\$2,615 53
1919	864 47	1,751 06	2,615 53
1920	916 33	1,699 20	2,615 53
1921	971 31	1,644 22	2,615 53
1922	1,029 58	1,585 95	2,615 53
1923	1,091 36	1,524 17	2,615 53
1924	1,156 84	1,458 69	2,615 53
1925	1,226 25	1,389 28	2,615 53
1926	1,299 83	1,315 70	2,615 53
1927	1,377 82	1,237 71	2,615 53
1928	1,460 49	1,155 04	2,615 53
1929	1,548 12	1,067 41	2,615 53
1930	1,641 01	974 52	2,615 53
1931	1,739 47	876 06	2,615 53
1932	1,843 84	771 69	2,615 53
1933	1,954 53	661 00	2,615 53
1934	2,071 80	543 73	2,615 53
1935	2,196 09	419 44	2,615 53
1936	2,327 83	287 68	2,615 53
1937	2,467 52	148 01	2,615 53

\$30,000 00

6. That for the purpose of paying the said instalments of principal and interest as the same become due respectively, the said sum of \$2,615.53 shall be levied and collected in each year during the currency of the said debentures on all the rateable property in the said Town of Perth by a special rate or rates sufficient therefor over and above all other rates and assessments levied upon the said property and at the same time and in the same manner as other taxes are levied and collected.

7. That the votes of the duly qualified electors of the Town of Perth shall be taken on this by-law on Monday, the Twenty-fourth day of September, A.D. 1917, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon, at the following places, that is to say:

East Ward.

Polling Subdivision Number One, at the Court House; Mr. Robert Jamieson, Deputy Returning Officer, and Mr. William J. Burke, Poll Clerk.

Polling Subdivision Number Two, on the East side of Gore Street, between Craig and Brock Streets; Mr. James Hartney, Deputy Returning Officer, and Miss Mary Hartney, Poll Clerk.

Centre Ward.

Polling Subdivision Number Three, at the Steamer Fire Hall on the South side of Herriott Street, between Gore and Drummond Streets; Mr. A. H. Keays, Deputy Returning Officer, and Mr. Fred Hope, Poll Clerk.

Polling Subdivision Number Four, at the Town Hall; Mr. John A. Kerr, Deputy Returning Officer, and Mr. James J. Smith, Poll Clerk.

West Ward.

Polling Subdivision Number Five, at or near the residence of Mrs. E. Balderson, on the South side of D'Arcy Street, between Gore and Drummond Streets; Mr. John Munro, Deputy Returning Officer, and Mr. M. Hicks, Poll Clerk.

Polling Subdivision Number Six, at Fire Hall Number Two, on the North side of D'Arcy Street, between Gore and Wilsons Streets; Mr. Peter Stafford, Deputy Returning Officer, and Miss Isabella Andison, Poll Clerk.

8. On Saturday, the Twenty-second day of September, A.D. 1917, the Mayor of the said Town of Perth shall attend at the Council Chamber in the Town Hall in the Town of Perth at the hour of eleven o'clock in the forenoon to appoint persons to attend at the various polling stations aforesaid and at the final summing up of the votes by the Clerk on behalf of the persons interested in and desirous of promoting and opposing the passing of this By-law respectively.

9. That the Clerk of the Council of the said town shall attend at his office in the Town Hall in the Town of Perth at eleven o'clock in the forenoon of Tuesday, the Twenty-fifth day of September, A.D. 1917, to sum up the number of votes cast for and against the said By-law.

10. That this By-law shall come into force on the date of the final passing thereof.

Passed First Reading the Twenty-eighth day of August, A.D. 1917.

Passed Second Reading the Twenty-ninth day of August, A.D. 1917.

JAS. J. HANDS,
Mayor.

JNO. A. KERR,
Clerk.

Take notice that the above is a true copy of a proposed By-law which has been taken into consideration and which will be finally passed by the Council of the Municipality of the Town of Perth (in the event of the assent of the electors being obtained thereto) after one month from the first publication in *The Perth Expositor*,

a newspaper published within the Municipality of the Town of Perth, and which first publication was on the Thirtieth day of August, A.D. 1917, and that the votes of the electors of the said municipality will be taken thereon at the time and at the places set out in the said By-law.

And take notice further that the name of any leaseholder neglecting to file in the office of the Clerk of the Municipality of the Town of Perth not later than the tenth day before the date appointed for taking the vote, a statutory declaration that he has in his lease covenanted to pay all municipal taxes in respect of the property leased (other than taxes assessed for local improvements) and that his lease extends for the full period of time within which the debt under this By-law is made payable, shall not be placed on the voters' list for such voting.

Dated at the Town Clerk's Office, this Twenty-eighth day of August, A.D. 1917.

.....
Clerk.

CHAPTER 75.

An Act respecting the City of Peterborough.

Assented to 26th March, 1918.

WHEREAS the Corporation of the City of Peterborough Preamble
has, by petition, represented that the electors of the City of Peterborough have voted upon the question of changing the mode of election of members of the City Council from election by wards to the election by the general vote of the electors of the City of Peterborough, and have declared by the vote of the said electors in favour of electing members of the Council by the general vote of all the electors of the said city instead of by wards, and authority is required to carry out the expressed desire of the electors by amending the Act respecting the City of Peterborough, chaptered 123 of the Statutes of Ontario, passed in the tenth year of the reign of King Edward VII, to provide for the election of members of the said Council by general vote instead of by wards; that the electors of the City of Peterborough have voted in favor of the construction of a high level bridge across the Otonabee River at Hunter Street, and the bridge across the Otonabee River at London Street, and the issue of debentures to meet the cost thereof to the extent of \$280,000, and it is necessary and desirable that such bridges be constructed and that By-law number 2043 of the City of Peterborough, entitled "A by-law to authorize the borrowing of \$280,000 by the issue of debentures, to construct a high level bridge over the Otonabee River at Hunter Street, and a bridge across the Otonabee River from, at, or near London Street to, at, or near Hazlett Street," be confirmed with the exception that the same shall be varied and amended to provide for the debentures to be issued under said by-law be payable within thirty years instead of twenty years, as is now provided in said by-law; that the Commissioners of the Peterborough City Trust may be authorized to apply funds raised but not required for any individual sinking fund towards the creation of a sinking fund for payment of debentures issued under any by-law, which does not provide a sufficient sinking fund, and to invest money held by them for any particular sinking fund, together with moneys held for other sinking fund accounts, at such times and for such amounts as may be advisable, instead of making separate investments

vestments for each particular fund; that it is deemed desirable that provision should be made that any member of the Peterborough City Trust who absents himself from three consecutive meetings of the City Trust, without leave being granted to him by resolution, shall thereby vacate and forfeit his seat, and that the City Council may replace such member who has so forfeited his seat, by another appointment; that it is desirable that chapter 104 of 8 Edward VII be amended by giving permission to the Peterborough City Trust to expend any monies in its hands not required for immediate use, in the alteration or reconstruction of buildings vested in the said Corporation or the said City Trust or in rebuilding the same or for any other purposes mentioned in said chapter 104; that the amount of the rateable property of the municipality is the sum of \$11,964,115, and the existing debenture debt exclusive of local improvement debts payable by local special rates is the sum of \$2,099,055.34, of which the following are the particulars: Waterworks, \$610,000; electric lighting and power plant, \$220,000; local improvements, \$349,284.28; public schools, \$253,650; Collegiate Institute, \$72,021.06; Protestant Home, \$10,000; general city debentures, \$584,100; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

10 Edw. VII.
c. 123, s. 1,
amended

1.—(1) Section 1 of chapter 123 of the Acts passed in the tenth year of the reign of His late Majesty King Edward VII is amended by adding thereto the following as subsection 8:

Election
of mem-
bers of
Council by
general
vote.

(8) In the case of the first election of all members of the Council by general vote, after the repealing of the by-law providing for electing members by wards, the five candidates receiving the highest number of votes shall be elected for two years, and the five candidates receiving the next highest number of votes shall be elected for one year, and thereafter five members of the Council shall be elected each year at the annual municipal elections, and each elector voting at the annual municipal election for aldermen shall vote for at least four candidates on his ballot, otherwise such ballot shall be declared spoiled, and be null and void and election officers shall not count the same for any candidate, and the Council may repeal the by-law providing for the election of members of the Council by the general vote and authorize the election of members of the Council by wards instead

instead of by general vote, but before such repealing by-law shall be finally passed and become operative it shall have been submitted to and receive the assent of the majority of the electors of the city voting thereon, and thereupon it shall be the duty of the Council to pass such by-law, and to submit it to the electors of the said city at the next annual municipal election, and provided the said by-law receives the assent of the majority of the electors thereon to finally pass the same, and at the next annual municipal election after the final passing of the said by-law the members of the Council shall be elected by wards as provided in this section.

(2) Section 1 of Chapter 104 of the Acts passed in the 8th year of the reign of His late Majesty King Edward the Seventh is amended by striking out the word "twelve" in the third line thereof and substituting the word "ten" instead thereof and by striking out the word "six" in the fifth and seventh lines thereof and substituting the word "five" instead thereof. ^{8 Edw. VII. c. 104, s 1, amended.}

2. By-law number 2043 being a by-law entitled "A by-law to authorize the borrowing of \$280,000 by the issue of debentures, to construct a high level bridge over the Otonabee River at Hunter Street, and a bridge across the Otonabee River from, at, or near London Street, to, at, or near Hazlett Street," and added as Schedule "A" hereto shall be amended by providing that the debentures issued under the authority of the said by-law shall be payable within thirty years instead of twenty years and that the amount of the sinking fund to be raised annually shall be varied to provide for the annual levy of the same for the period of thirty years, and that said amended by-law as contained in Schedule "B" hereof is confirmed, and declared legal, valid and binding according to the true intent and meaning thereof. ^{By-law No. 2043 as amended confirmed.}

3. The Commissioners of the City Trust may, (a) apply any surplus which may arise in the general administration of the city's sinking fund as a whole except sinking funds raised for local improvement purposes and charged against the properties benefited after full and adequate provision has been made for the individual sinking fund of all debenture debts, as required by by-laws constituting them, towards the creation, addition to and maintenance of sinking funds for the purpose of providing for the payment in full as they mature, of those debenture debts of the corporation which do not now provide for sinking funds, or which only provide for partial sinking funds or sinking funds in-
sufficient

sufficient for the payment of the debt at the maturity thereof; (b) instead of investing separately the annual sinking fund levy, in respect of any particular debenture debt, or the interest arising from the investments in the sinking fund applicable to any such debt, to invest from time to time the whole or any part of the sinking fund moneys which may be on hand in such amounts as may be deemed desirable, provided that a return shall be made by the Commissioners of the said City Trust as at the 31st December in each year, showing the exact amount that should be accumulated as a sinking fund for each individual debt, in accordance with the terms of the by-law constituting such debt, and the aggregate of the securities held applicable to the sinking fund as a whole.

Absence
from
meetings
when to
vacate seat
of commis-
sioner.

4. Any Commissioner of the Peterborough City Trust who absents himself from three consecutive regularly called meetings of the said Trust, without leave being granted him therefor, by resolution duly passed by the Commissioners of the said Trust, and shown upon the records of the said Trust, shall thereby *ipso facto* vacate his seat as a Commissioner, and cease to be a member of the said Trust, and the secretary of the said Trust shall notify, in writing, the Clerk of the Municipal Council of the City of Peterborough forthwith of such Commissioner so absenting himself and ceasing to be a member of the said City Trust, and the Council of the said Corporation may thereupon appoint in the place and stead of said person, who has ceased to be a member of said City Trust, another Commissioner or the same Commissioner who shall hold office during the unexpired period of time for which the said person so vacating his position as Commissioner was appointed, and the fact of the substituted Commissioner being lawfully so appointed a member of the said City Trust by the said City Council, shall not thereafter be controverted or questioned.

8 Edw. VII.
c. 104,
amended.

5. Chapter 104 of the Act passed in the eighth year of the reign of His late Majesty King Edward the Seventh is hereby amended as follows:

(a) Section 20 of said Act is amended by adding after the word "repair" in the sixth line thereof, the following words "or in altering, reconstructing or rebuilding the same."

(b) Section 23 of said Act is amended by adding thereto the following words, as subsection 2 thereof:

(2) The said Commissioners may also out of said funds, not required for immediate use, expend such part thereof as may be necessary

necessary for the purpose of or towards the repair, alteration, reconstruction or rebuilding of any building on real estate vested in the City or the City Trust or such part thereof as may be necessary for said purpose or may use the said funds not required for immediate use, for any of the purposes to which money may be applied by the Commissioners of the said City Trust under the provisions of sections 20 and 22 of this Act, provided, however, that if the expenditure for any such repair, alteration, reconstruction or rebuilding shall, in any one case, amount to a sum exceeding \$500, the said expenditure shall not be made until authorized by by-law of the City Council.

SCHEDULE "A."

By-Law No. 2043.

A by-law to authorize the borrowing of \$280,000 by the issue of debentures, to construct a high level bridge over the Otonabee River at Hunter Street, and a bridge across the Otonabee River at or near London Street, to, at or near Hazlett Street.

Passed the Third Day of July, 1917.

Whereas the present Hunter Street bridge requires to be replaced by a more permanent and substantial structure, of sufficient height to clear the railway sidings across Hunter Street to the Quaker Oats property, which are now so numerous as to be dangerous to vehicular and pedestrian traffic, and it has been estimated that the cost of the high level bridge across the River Otonabee from, at or near the intersection of Sheridan and Hunter Streets to, at or near the intersection of Burnham and Hunter Streets will be the sum of \$260,000 and it is expedient and necessary that a bridge should be built from, at or near London Street to, at or near Hazlett Street, across the Otonabee River, for the purpose of vehicular and foot traffic, between Smith Street and Hunter Street, and the cost of such is estimated to be the sum of \$20,000 and it is necessary for the purpose of enabling the council to raise the above sum, to pass this by-law to authorize the borrowing of the sums of \$260,000 and \$20,000 respectively, being in all \$280,000, which is the amount of the debt intended to be created by this by-law;

And whereas in order to raise the said sum of \$280,000 it will be necessary to issue the debentures of the Corporation of the City of Peterborough for the said amount;

And whereas the amount of the whole rateable property of the municipality according to the last revised assessment roll is the sum of \$11,564,330, and the amount of the existing debenture debt of the municipality exclusive of local improvement debts payable by local special rates, is the sum of \$1,398,350.59, and there is no part of the principal or interest in arrear;

And whereas it will require the sum of \$14,300 to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the debt intended to be created by the construction of the high level

level bridge, and the sum of \$8,731.26 to be raised annually during the said period for providing a sinking fund for the payment of the same at the maturity thereof, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes due, making in all the sum of \$23,031.26, to be raised annually as aforesaid by special rate on the whole rateable property of the municipality to meet the cost of the said high level bridge;

And whereas it will require the sum of \$1,100 to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the debt intended to be created by the construction of the bridge between London Street and Hazlett Street, and the sum of \$671.64 to be raised annually during the said period for providing a sinking fund for the payment of the same at the maturity thereof, such last mentioned sum being sufficient with the estimated interest on the investment thereof, to discharge the said debt when the same becomes due, making in all the sum of \$1,771.64 to be raised annually as aforesaid by special rate on the whole rateable property of the municipality to meet the cost of the said London Street Bridge.

*The Corporation of the City of Peterborough by the Council Thereof,
Therefore Enacts as Follows:*

1. This By-Law shall take effect on the final passing thereof.

2. It shall be lawful for the Council of the said City of Peterborough to borrow the sums of \$260,000.00 and \$20,000.00 making in all the sum of \$280,000.00 and to issue the debentures of the said Corporation for the said sums, such debentures to be sealed with the Corporate Seal of the City of Peterborough, and to be signed by the Mayor and Treasurer and countersigned by the Secretary of the Peterborough City Trust and to be made payable within twenty years after the issue thereof, and to bear interest at the rate of five and one half per centum per annum, payable half-yearly on the thirtieth day of June and the thirty-first day of December in each year and to have the coupons attached thereto for the payment of such interest; such debentures as to principal and interest to be payable at any branch of the Bank of Toronto in Peterborough, Toronto or Montreal, or at the National Bank of Commerce in the City of New York.

3. There shall be raised and levied during each year of the currency of the said debentures by a special rate upon all the rateable property of the Municipality, the sum of \$14,300.00 for the payment of the interest on the said debt created by the construction of the high level bridge, and the sum of \$8,731.26 as a sinking fund for the payment of the said debt at the maturity thereof, making together, the sum of \$23,031.26 to be raised annually as aforesaid.

4. There shall be raised and levied during each year of the currency of the said debentures by a special rate upon all the rateable property of the municipality, the sum of \$1,100.00 for the payment of the interest on the said debt created by the construction of the bridge between London Street and Hazlett Street, and the sum of \$671.64 as a sinking fund for the payment of the said debt at the maturity thereof, making together the sum of \$1,771.64 to be raised annually as aforesaid.

5. The proceeds of the said debentures when sold shall be applied for the purpose of the construction of each of the said bridges, respectively.

(Signed) JOS. J. DUFFUS,
Mayor.

(Signed) S. R. ARMSTRONG,
Clerk.

SCHEDULE "B."

BY-LAW NUMBER 2043.

A by-law to authorize the borrowing of \$280,000.00 by the issue of debentures, to construct a high level bridge over the Otonabee River at Hunter Street, and a bridge across the Otonabee River at or near London Street, to, at or near Hazlett Street.

Passed the third day of July, 1917.

Whereas, the present Hunter Street bridge requires to be replaced by a more permanent and substantial structure, of sufficient height to clear the railway sidings across Hunter Street to the Quaker Oats property, which are now so numerous as to be dangerous to vehicular and pedestrian traffic, and it has been estimated that the cost of the high level bridge across the River Otonabee from, at or near the intersection of Sheridan and Hunter Streets to, at or near the intersection of Burnham and Hunter Streets will be the sum of \$260,000.00 and it is expedient and necessary that a bridge should be built from, at or near London Street to, at or near Hazlett Street, across the Otonabee River, for the purpose of vehicular and foot traffic, between Smith Street and Hunter Street, and the cost of such is estimated to be the sum of \$20,000.00 and it is necessary for the purpose of enabling the Council to raise the above sum, to pass this By-law to authorize the borrowing of the sums of \$260,000 and \$20,000 respectively, being in all \$280,000 which is the amount of the debt intended to be created by this By-law;

And whereas, in order to raise the said sum of \$280,000.00 it will be necessary to issue the Debentures of the Corporation of the City of Peterborough for the said amount;

And whereas, the amount of the whole rateable property of the Municipality according to the last revised assessment roll is the sum of \$11,564,330.00 and the amount of the existing debenture debt of the Municipality exclusive of the local improvement debts payable by local special rates, is the sum of \$1,398,350.59, and there is no part of the principal or interest in arrear;

And whereas, it will require the sum of \$14,300.00 to be raised annually for a period of thirty years, the currency of the debentures to be issued under and by virtue of this By-law, to pay the interest of the debt intended to be created by the construction of the high level bridge and the sum of \$4,635.83 to be raised annually during the said period for providing a sinking fund for the payment of the same at the maturity thereof, such last mentioned sum being sufficient with the estimated interest on the investment thereof, to discharge the said debt when the same becomes due, making in all the sum of \$18,935.83 to be raised annually as aforesaid by special rate on the whole rateable property of the Municipality to meet the cost of the said high level bridge;

And whereas, it will require the sum of \$1,100.00 to be raised annually for a period of thirty years, the currency of the debentures to be issued under and by virtue of this By-law, to pay the interest of the debt intended to be created by the construction of the bridge between London Street and Hazlett Street, and the sum of \$356.61 to be raised annually during the said period for providing a sinking fund for the payment of the same at the maturity thereof, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said

debt

debt when the same becomes due, making in all the sum of \$1,456.61 to be raised annually as aforesaid by special rate on the whole rateable property of the Municipality, to meet the cost of the said London Street Bridge.

The Corporation of the City of Peterborough by the Council Thereof, Therefore Enacts as Follows:

1. This by-law shall take effect on the final passing thereof.
2. It shall be lawful for the Council of the said City of Peterborough to borrow the sums of \$260,000.00 and \$20,000.00 making in all the sum of \$280,000.00 and to issue the debentures of the said Corporation for the said sums, such debentures to be sealed with the Corporate Seal of the City of Peterborough, and to be signed by the Mayor and Treasurer and countersigned by the Secretary of the Peterborough City Trust and to be made payable within thirty years after the issue thereof, and to bear interest at the rate of five and one-half per centum per annum, payable half-yearly on the thirtieth day of June and the thirty-first day of December in each year and to have the coupons attached thereto for the payment of such interest; such debentures as to principal and interest to be payable at any branch of the Bank of Toronto in Peterborough, Toronto or Montreal or at the National Bank of Commerce in the City of New York.
3. There shall be raised and levied during each year of the currency of the said debentures by a special rate upon all the rateable property of the Municipality the sum of \$14,300.00 for the payment of the interest on the said debt created by the construction of the high level bridge, and the sum of \$4,635.83 as a sinking fund for the payment of the said debt at the maturity thereof, making together the sum of \$18,935.83 to be raised annually as aforesaid.
4. There shall be raised and levied during each year of the currency of the said debentures by a special rate upon all the rateable property of the Municipality, the sum of \$1,100.00 for the payment of the interest on the said debt created by the construction of the bridge between London Street and Hazlett Street, and the sum of \$356.61 as a sinking fund for the payment of the said debt at the maturity thereof, making together the sum of \$1,456.61 to be raised annually as aforesaid.
5. The proceeds of the said debentures when sold shall be applied for the purpose of the construction of each of the said bridges, respectively.

(Signed) Jos. J. DUFFUS,
Mayor.

(Signed) S. R. ARMSTRONG,
Clerk.

CHAPTER 76.

An Act respecting The City of Port Arthur.

Assented to 26th March, 1918.

WHEREAS the Corporation of the City of Port Arthur Preamble.
 has, by petition, represented that the agreements
 specified in Schedules "A," "B," "C," "D" and "E"
 hereto have been duly authorized, and has prayed that an
 Act may be passed ratifying the said agreements:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in any general or special Act to the contrary, the agreement dated the 23rd day of September, 1916, made between the Corporation of the City of Port Arthur of the one part and Aimwell G. McIntyre, of the City of Toronto, of the other part, set out as Schedule "A" hereto, and the supplementary agreement dated the 31st day of December, 1916, and made between the same parties, set out as Schedule "B" hereto, and the agreement dated the 19th day of April, 1917, between the said city of the one part and The Port Arthur Pulp and Paper Company, Limited, of the other part, set out as Schedule "C" hereto, are hereby declared to be and to have always been, since the execution thereof, legal, valid and binding agreements upon the parties thereto and their successors and assigns and heirs and assigns respectively. Confirmation of certain agreements.

2. The City of Port Arthur shall have the right to acquire by purchase or by expropriation proceedings under *The Municipal Act* any portion of the lands not already owned by it to be conveyed to the said The Port Arthur Pulp and Paper Company, Limited, as set out in the said agreements "A" and "B" and the assignment thereof by the said Aimwell G. McIntyre to the said company, and to issue debentures for the cost of such land to be acquired as aforesaid repayable in thirty years from the issue thereof. Expropriation of certain lands and conveyance to Port Arthur Pulp & Paper Co.

Agreement
with Board
of Park
Management
confirmed.

3. Notwithstanding anything contained in any general or special Act to the contrary, the agreement dated the 16th day of May, 1917, between the City of Port Arthur and the Board of Park Management of the City of Port Arthur, set out as Schedule "D" hereto, is hereby declared to be and to have always been since the execution thereof, legal, valid and binding upon the said city and the said Parks Board and the parties thereto are hereby authorized and empowered to do all acts, matters and things on their parts respectively contained in the said agreement, and the annual grants by the city to the Parks Board mentioned in the said agreement may be expended by the said Parks Board in improving the parks and park lands under its control.

By-law 1504
and agree-
ment with
Port Arthur
Shipbuilding
Co. con-
firmed.

4. Notwithstanding any general or special Act to the contrary By-law 1504 of the City of Port Arthur entitled "A by-law to authorize an agreement with Port Arthur Shipbuilding Company, Limited," passed on the 19th day of December, 1917, and the agreement bearing the same date between the city and the said company, set out in Schedule "E" hereto, are hereby declared to be and to have always been since the dates thereof, legal, valid and binding upon the said city and the said Port Arthur Shipbuilding Company, Limited, their successors and assigns.

Short title.

5. This Act may be cited as *The City of Port Arthur Act, 1918.*

SCHEDULE "A."

Agreement made in duplicate this 23rd day of September, 1916,

Between

The Corporation of the City of Port Arthur, herein called "the City," of the first part;

and

Aimwell G. McIntyre, of the City of Toronto, of the second part.

Witnesseth that the parties hereto in consideration of the mutual covenants and agreements hereinafter contained, agree the one with the other, as follows:

1. The said McIntyre shall cause a company to be incorporated and organized forthwith to facilitate the carrying out this agreement, and the word "Company" hereinafter appearing in this agreement shall refer to the company to be so incorporated.

2. The company shall, as soon as incorporated and organized, and in any event not later than thirty days from the date thereof, commence the erection, on the site hereinafter described, of a chemical pulp mill, having a capacity of fifty tons of chemical pulp per day, and shall thereafter with all reasonable dispatch continue the construction of same, and shall have the same completed and ready for operation not later than the first day of November, 1917.

3. The company shall within five years from the date hereof complete, and have in operation, on the site hereinafter described, a further unit or units of said pulp mill, or a further unit of said pulp mill and paper mill, so that said further unit or units shall be capable of manufacturing, with the unit referred to in paragraph 2 hereof, a total of one hundred and fifty tons of chemical pulp, or chemical pulp and paper per day.

4. The company shall keep the said mill, or mills, continuously in operation from the time the same are completed, until the end of the year 1966, unless prevented by fire, strikes, storms, floods, acts of God or of the King's enemies or other causes beyond its control; provided, however, that in the event of the destruction of the said mill or mills from any of the causes aforesaid during said period they shall be rebuilt within a reasonable time.

5. The company shall employ local labour and mechanics, as far as possible, providing there are in the opinion of the manager of the company competent men to be obtained, before going to points outside of the City of Port Arthur for same, and shall pay the governing wage of the district to each class of workmen employed.

6. The company shall locate and maintain its head office in Port Arthur and all wages of employees shall be paid in Port Arthur in cash, or by cheque on some bank in Port Arthur. /

7. All insurance carried by the company upon its buildings and machinery in the City of Port Arthur shall be placed through local insurance agents, providing the rates charged by them are not in excess of the rates which can be obtained through any outside agents.

8. In consideration of the above the city agrees to provide for the company a site for the said plant free of cost, which site is described as follows:

(a) Commencing at a point in the westerly boundary of Mining Location 4, Herrick's Survey, where said boundary produced intersects the shore line of Thunder Bay; thence northerly along the said boundary of Mining Location 4 to the northerly boundary of the property of the Western Dry Dock and Shipbuilding Co.; thence westerly along the said northerly boundary to its intersection with the easterly boundary of the City of Port Arthur Railway Reserve; thence northerly following the said boundary of said reserve to its intersection with a line drawn at right angles to the westerly limit of Mining Location 4 through a point midway between the north boundary of Block 24, Subdivision of the west half of Mining Location "B" produced, and the northerly limit of Mining Location 6; thence easterly following the last described line to its intersection with the shore line of Thunder Bay; thence following the shore line of Thunder Bay to the point of commencement, containing by admeasurement 66.6 acres, more or less.

Commencing at a point where the westerly boundary of Mining Location 4, Herrick's Survey, produced southerly intersects the shore line of Thunder Bay; thence southerly along the easterly boundary of that portion of Water Lot 5P deeded to the Western Dry Dock and Shipbuilding Company; thence easterly along the southerly boundary of Water Lot 5P to its intersection with the westerly boundary of that part of Water Lot 5P granted to the Dominion Government for breakwater purposes; thence northerly following the said westerly boundary to its intersection with the shore line of Thunder Bay; thence westerly following the shore line of Thunder Bay to the point of commencement and containing by admeasurement 26.0 acres, more or less.

(b) Commencing at the intersection of the westerly boundary of Mining Location 4, Herrick's Survey, and the northerly boundary of Mining Location 6, of that survey, thence westerly along the northerly boundary of Mining Location 6 to its intersection with the easterly boundary of the City of Port Arthur Railway Reserve; thence southerly following said boundary of said reserve to its intersection with a line drawn at right angles to the westerly boundary of Mining Location 4 through a point midway between the north boundary of Block 24, subdivision of the west half of Mining Location "B" produced, and the northerly boundary of Mining Location 6; thence easterly following the last described line to its intersection with the shore line of Thunder Bay; thence northerly following said shore line to its intersection with the production of the northerly boundary of Mining Location 6; thence westerly following said production to the point of commencement and containing by admeasurement 32.8 acres, more or less.

9. As soon as the company commence actual building operations upon the first unit of said pulp mill referred to in paragraph 2 hereof, the city shall convey or cause to be conveyed to the company the land hereinbefore described as parcel (a) with a clause in the conveyance providing that in the event of the company failing to complete said unit and have same in operation within the time limited the said land shall revert to the city free and clear from any claim of the company, and upon completion of said first unit as provided by this agreement and commencement of operation thereof, the city shall release said land from any claim under said forfeiture clause, and execute all such assurances as may be necessary to vest the land in the company free from all encumbrances.

10. As soon as the company commences actual building operations upon the further units referred to in paragraph 3 hereof, the city shall convey, or cause to be conveyed, to the company the land hereinbefore described as parcel (b) with a clause in the conveyance providing that in the event of the company failing to complete said further units and have same in operation within the time limited, the said land shall revert to the city free and clear from any claim of the company, and upon completion of said further unit or

units as provided by this agreement and the commencement of operation thereof the city shall release said land from any claim under said forfeiture clause and execute all such grants and assurances as may be necessary to vest the land in the company free from all encumbrances.

11. The city shall supply to the company, within a reasonable time after demand therefor, from one to two million gallons of water per day of twenty-four hours through its waterworks system, delivering said water at the company's boiler house and mill, with meter attached, at the following rates:

One cent per thousand gallons.

The city shall also instal such hydrants as may be necessary for fire protection. The company shall pay for a minimum of 1,000,000 gallons of water per day except Sunday, whether said quantity is used by it or not. In the alternative, if the company requests, the city shall sell or lease to the company the old motor-driven pump and equipment now at the Current River Power House upon terms to be arranged.

12. The city shall have the perpetual right to lay and shall lay and maintain all necessary tracks and sidings over the said lands so as to serve the company's mills and the dock hereafter mentioned, said tracks and sidings to be the property of the city, and the company shall have the right to use the same in common with the city and all others to whom the city may give permission, upon paying to the city such proportion of the interest of six per cent. per annum of cost of grading, laying, keeping, renewing and maintaining of such tracks and sidings and all necessary switches and equipment as its user of the same bears to the user by the city, and any other persons or corporations using the same with the authorization of the city. In building said tracks and sidings the city shall have due regard to the buildings proposed to be erected by the company on said lands. In case more than one party uses the said tracks and sidings they shall be used so as not to unduly delay any of the parties in their work, and in case of disagreement the manner of usage shall be determined by the Ontario Railway and Municipal Board. Each party using said tracks and sidings shall be responsible for any damage caused by his or its operation.

13. Either the city or the company shall have the right to build a dock as shown on the blue print hereto annexed, and the company shall not obstruct the use of said dock in any way. The said dock, when constructed, shall be for the common use of the company and the city and such others as may be authorized from time to time to use same by the city. The parties using said dock shall each bear their proper proportion of the cost of maintaining the said dock insured and in proper condition and repair, and which ever of the parties hereto constructs said dock shall be entitled to collect from the others using same their proportion of the interest at 6 per cent. per annum upon the moneys expended in constructing the equipping said dock, based upon the user of said dock by all parties. Any moneys collected from third parties for the handling of incidental traffic over said dock, in case the city does not give such third parties the right to use same on the terms above mentioned, shall be applied on the payment of said interest and in case there is a surplus after payment of said interest such surplus shall be applied upon the cost of constructing and equipping said dock.

14. The city shall have the right from time to time to lay any sewer or water mains, and to construct such lines for telephone or for high or low tension power, and to lay out such streets or roads, across said lands, as may be necessary or convenient for serving the adjoining properties, due regard being had to the buildings, improvements and requirements, the right-of-way for such improvements to be settled by the company and the city's engineer,

engineer, and in event of disagreement the same to be referred to the Ontario Railway and Municipal Board.

15. The city shall take such steps as may be necessary to close the road allowance along the water's edge of the said lands, and shall convey same to the company when conveying said lands (the company furnishing an alternative road on the lands to be conveyed to it if necessary) subject to the same conditions as are to be incorporated in the conveyance of said lands. The city shall provide and maintain a suitable wagon and automobile road and a wooden sidewalk into the property to be conveyed to the company as aforesaid, so as to make said property accessible from the street railway, and the said improvements shall be assessed against said property as a local improvement.

16. The city shall also supply the company with such quantity of electric power at said site as may from time to time be required by the company for the operation of its plant. Such power shall be furnished within twelve months after demand at rates and terms and for periods to be agreed upon by a concurrent contract to be entered into between the city and the company and subject to control of Hydro-Electric Commission, but in the event of failure to agree as above mentioned the company shall have the right to develop, lease or purchase elsewhere such power as it may require, and in such event the liability of the city under the agreement to furnish such power shall cease, and the company shall have the right to develop or purchase the power required by it elsewhere and to bring said power into its plant over its own line, and the city shall permit the company to erect its power lines over such streets and lands of the city as may be defined for that purpose by the city engineer. Such lines shall be erected in accordance with the standard requirements of the Hydro-Electric Power Commission, and the city shall be under no liability for any damage to persons or property by reason of the erecting or operation of said lines, and the company shall save the city harmless therefrom, but nothing herein contained shall be construed as giving power to the company to sell or use power except for operating the company's plant.

17. As soon as the company has been incorporated the said McIntyre shall transfer and assign this agreement to the company and the company shall assume and adopt this agreement under its corporate seal.

18. The Council of the City of Port Arthur may by resolution and without further authority from the ratepayers from time to time, make declarations binding upon the city as to the fulfilment by the party of the second part and the said proposed company of his and its obligations hereunder, and the interpretation and the meaning of the terms hereof, and may in like manner on behalf of the city settle and compromise and otherwise deal with any disputes or questions which may from time to time arise between the party of the second part and the city and the said company in respect to the matters herein referred to.

19. This agreement is subject to the approval of the ratepayers of the city entitled to vote thereon, and shall also be subject to the said McIntyre of the said company making suitable arrangements with the Government of the Province of Ontario for a sufficient and satisfactory area of pulpwood land to enable the company to carry on its business, and also making suitable arrangements for the obtaining of power to operate the said mill.

20. The city agrees to have this agreement and the by-law to be submitted to and approved by the ratepayers of the said city submitted to the Legislature at its next session for validation.

21. This agreement and all the terms and provisions thereof shall extend to and bind the heirs, executors, administrators,

assigns,

assigns, and successors of the parties hereto and of the said company.

In witness whereof the said city has caused these presents to be signed by its Mayor and Clerk and its corporate seal to be hereto affixed and the party of the second part has hereunto set his hand and seal.

Signed, sealed and delivered	}	(Sgd.) D. J. COWAN, <i>Mayor</i> .
in the presence of		(Sgd.) T. F. MILNE, <i>Clerk</i> .
(Sgd.) GEO. H. RAPSEY, Witness		(Sgd.) A. G. McINTYRE.

I hereby certify the preceding to be a true and correct copy.

T. F. MILNE, *Clerk*.

SCHEDULE "B."

Agreement made this thirty-first day of December, one thousand nine hundred and sixteen,

Between

Aimwell G. McIntyre, of the City of Toronto, in the County of York, Civil Engineer, of the first part;

and

The Corporation of the City of Port Arthur, of the second part.

Whereas by agreement bearing date the twenty-third day of September, one thousand nine hundred and sixteen, and made between the parties hereto, the party of the second part agreed to grant and convey to the party of the first part certain lands and premises therein particularly described in consideration of the erection by the party of the first part of a pulp mill in the City of Port Arthur and the carrying out of the other terms and conditions in the said agreement contained;

And whereas the parties hereto have agreed to amend and supplement the said agreement in the manner hereinafter set out;

Now therefore this agreement witnesseth as follows:

1. The agreement between the parties hereto above referred to is amended by striking out the paragraph sixteen (16) thereof and inserting in lieu thereof the following:

"16. The city shall also supply the company with such quantity of electric power at said site as may from time to time be required by the company for the operation of its plant. Such power shall be furnished within a reasonable time after demand at rates and terms and for periods to be agreed on by the parties and in default of agreement as directed by the Hydro-Electric Power Commission."

2. The said agreement is further amended by excepting and reserving from the lands firstly described in paragraph (8), (a) thereof that portion thereof described as follows: Commencing at the intersection of the westerly limit of Mining Location Four with the northerly limit of the property of the Western Dry Dock and Shipbuilding Company, Limited, thence easterly at right angles to the said westerly limit of Mining Location Four for a distance of one thousand feet; thence southerly following a line drawn parallel to the said westerly limit of Mining Location Four to its intersection with the shore line of Thunder Bay, the last mentioned

intersection

intersection being the point of commencement of the description of the land to be excepted; thence south-easterly following the shore line of Thunder Bay to the extremity of Bare Point; thence north-westerly to a point lying midway between the shore lines of Bare Point and their intersection with the above mentioned parallel line produced; and thence northerly following the said parallel line to the point of commencement.

3. The party of the first part agrees that any paper mill which he may erect in the District of Thunder Bay will be erected by him on the lands to be conveyed to him as above mentioned provided there is sufficient room thereon for such purpose.

4. The party of the first part covenants that the effluent from the said mill or mills will not contaminate the city's water supply.

5. Subject to the above amendments and additions the said agreement is hereby ratified and confirmed.

In witness whereof the party of the first part has hereunto set his hand and seal, and the party of the second part has hereunto caused its corporate seal to be affixed and these presents signed by its mayor and clerk.

Signed, sealed and delivered	}	(Sgd.) A. G. McINTYRE.
in the presence of		(Sgd.) D. J. COWAN, <i>Mayor</i> .
(Sgd.) A. G. POUNSFORD.		(Sgd.) T. F. MILNE, <i>Clerk</i> .

I hereby certify the preceding to be a true and correct copy.

T. F. MILNE, *Clerk*.

SCHEDULE "C."

Memorandum of agreement made this 19th day of April, 1917,

Between

Port Arthur Pulp and Paper Company, Limited (hereinafter called the party of the first part), of the first part;

and

The Corporation of the City of Port Arthur (hereinafter called the party of the second part), of the second part;

Witnesseth and the parties hereto mutually covenant and agree as follows:

1. The party of the second part hereby consents to the assignment made by Aimwell G. McIntyre to the party of the first part of the agreement entered into between the said McIntyre and the party of the second part bearing date the 23rd day of September, 1916, as amended by the supplemental agreement entered into between the same parties bearing date the 31st day of December, 1916.

2. The party of the second part agrees with the party of the first part that the said agreement dated the 23rd day of September, 1916, as amended by the said supplemental agreement dated the 31st day of December, 1916, is in full force and effect.

3. The party of the first part agrees with the party of the second part to carry out the terms of the said agreement dated the 23rd day of September, 1916, as amended by the said supplemental agreement dated the 31st day of December, 1916, and further agrees

that

that the agreement as amended by the said supplemental agreement is and shall be valid and binding, notwithstanding the fact that the party of the first part has failed to obtain a satisfactory timber limit.

In witness whereof the parties hereto have hereunto set their corporate seals.

Signed, sealed and delivered
in the presence of
(Sgd.) ALEX. FASKEN.

} PORT ARTHUR PULP AND PAPER Co.
J. H. WELDON, *Pres.*
S. F. DUNCAN, *Secy.*
D. J. COWAN, *Mayor.*
T. F. MILNE, *Clerk.*

I hereby certify the preceding to be a true and correct copy.

T. F. MILNE, *Clerk.*

SCHEDULE "D."

Res. 4515—May 16, 1917.

The following resolution has been adopted by the Council of the City of Port Arthur on May 16, 1917:

"Whereas it is necessary to acquire Bare Point and the adjoining Water Lot to fulfill the terms of an agreement made with the Port Arthur Pulp and Paper Co.;

"And whereas the Board of Park Management passed the following resolution on Nov. 6, 1916:

"That the Board of Park Management agrees to relinquish all its rights, title and interest in Bare Point and that portion of Water Lot 5P north of the lands of the Western Dry Dock and Shipbuilding Co. in consideration of the Council giving this Board an annual grant of \$4,000 during each of the next five years in addition to the half mill levy and thereafter assuming the full debenture debt and the fixed charges for sinking fund and interest as at present standing against this Board and also allow this Board thereafter the legal annual levy of a half mill. That Resolution 401 of this Board dated Oct. 17, 1916, is hereby rescinded."

Therefore this Council advises the Board of Park Management that this Council accepts the above terms and requests them to issue a Quit Claim Deed in favor of the Corporation."

T. F. MILNE, *City Clerk.*

I hereby certify the preceding to be a true and correct copy.

T. F. MILNE, *City Clerk.*

SCHEDULE "E."

CITY OF PORT ARTHUR.

By-law No. 1504.

A by-law to authorize an agreement with Port Arthur Shipbuilding Company, Limited.

Whereas the Corporation of the City of Port Arthur, in pursuance of By-law number 348, duly passed after having been voted upon by the electors of the corporation, and confirmed by *The City of Port Arthur Act, 1910*, entered into a certain agreement, dated the 19th day of May, 1909, with the Western Dry Dock and Shipbuilding Company, Limited, a true copy of which agreement is set out in Schedule "B" to the said *Port Arthur Act, 1910*;

And

And whereas the said Port Arthur Shipbuilding Company, Limited, was incorporated to purchase and take over the assets and property of the said The Western Dry Dock and Shipbuilding Company, Limited, including the said agreement of the 19th day of May, 1909, and has purchased and taken over the same;

And whereas the said Port Arthur Shipbuilding Company, Limited, has requested the Corporation to enter into the agreement hereto annexed, for the purpose of confirming unto the said Port Arthur Shipbuilding Company, Limited, the rights and privileges granted to the said The Western Dry Dock and Shipbuilding Company, Limited, by the said agreement of the 19th day of May, 1909, as confirmed by the said Act:

Now, therefore, the Corporation of the City of Port Arthur enacts as follows:

1. The mayor and city clerk shall execute under the seal of the Corporation the agreement set forth in the schedule hereto annexed, and the Corporation shall carry the provisions thereof into effect.

2. This by-law shall take effect on the day of the final passing thereof.

Dated December 19, 1917.

(Signed) D. J. COWAN, *Mayor*.

(Signed) T. F. MILNE, *Clerk*.

Certified to be a correct copy.

T. F. MILNE, *Clerk*.

This agreement made in triplicate this 19th day of December, 1917,

Between

The Corporation of the City of Port Arthur, hereinafter called the City, of the first part;

and

Port Arthur Shipbuilding Company, Limited, hereinafter called the Company, of the second part.

Whereas the city, in pursuance of By-law No. 348 duly passed by the electors of the city (and confirmed by *The City of Port Arthur Act, 1910*) entered into a certain agreement dated the 19th day of May, 1909, with The Western Dry Dock and Shipbuilding Company, Limited, a corporation duly incorporated under the laws of the Province of Ontario (hereinafter called *The Western Dry Dock Company*), a true copy of which agreement is set out in Schedule "B" to the said *Port Arthur Act, 1910*;

And whereas in pursuance of the said agreement, by conveyance dated the 15th day of October, 1909, the city conveyed a site in the said city, being the lands hereinafter described, to The Western Dry Dock Company, and also granted to The Western Dry Dock certain exemption from taxation for twenty years, and a subsidy of \$25,000 per year for the first ten years of the company's operations, all as more particularly provided in said agreement;

And whereas The Western Dry Dock Company erected upon the said lands a dry dock and shipbuilding plant as provided by said agreement, and has operated the same continuously since the erection of the same and has otherwise, up to the present time, performed all the provisions of the said agreement on its part to be performed;

And

And whereas the company has purchased all The Western Dry Dock Company's assets, including the lands and agreements, which have been conveyed and assigned to it by The Western Dry Dock Company, and the company has requested the city to consent to the said conveyance and assignment and to continue the tax exemption provided for by the said agreement of the 19th day of May, 1909, for the balance of the said twenty years, and has also requested the city to agree to the payment of the balance of said subsidy still remaining unpaid, to the company in the manner provided by said agreement, in consideration of the company assuming all the obligations, covenants and liabilities of The Western Dry Dock Company contained in said agreement, and agreeing to perform the same in so far as the same yet remain to be performed and carried out by The Western Dry Dock Company;

Now, therefore, this agreement witnesseth:

1. The city doth hereby grant, release, quit claim and confirm unto the company, its successors and assigns, the said site described as follows, namely, the lands described in the attached schedule marked "A."

2. The city doth hereby consent to the assignment of the said agreement of the 19th May, 1909, by The Western Dry Dock Company to the company, together with all the rights, benefits, advantages and privileges to which The Western Dry Dock Company is entitled thereunder, and hereby grants and confirms to the company all said rights, benefits, advantages and privileges, as fully and completely as though the said agreement of the 19th of May, 1909, had originally been made between the city and the company.

3. The city hereby covenants and agrees to pay to the company, in pursuance of said agreement, all moneys now earned by and payable to The Western Dry Dock Company on account of the subsidy payable thereunder, and which have not yet been paid, and hereafter to pay said subsidy to the company as earned, until the full amount of the said subsidy as provided for by the said agreement shall have been paid.

4. The company covenants and agrees to assume and carry out all the obligations, liabilities, covenants and agreements of The Western Dry Dock Company as contained in said agreement of the 19th of May, 1909, in so far as the same have not been carried out.

5. The company is hereby authorized in the name of the city, but at its own expense, to apply to have this agreement, and the by-law to be passed by the city authorizing the same, confirmed and declared valid by an Act of the Legislature of the Province of Ontario, and the city will in all things aid in obtaining such legislation.

6. The city hereby covenants and agrees to continue the tax exemption to which The Western Dry Dock Company has heretofore been entitled under the said agreement of the 19th of May, 1909, for the balance of the said twenty years.

In witness whereof the parties hereto have caused their corporate seals to be hereunto affixed, duly attested by the hands of their proper officers respectively.

Signed, sealed and delivered
in the presence of

Witness.

(Signed) JAMES WHALEN.

SCHEDULE "A."

All and singular that certain parcel or tract of land and premises being part of Mining Location number Six, Herrick's survey, in the Township of McGregor, in the District of Thunder Bay, and that portion of Water Lot 5P opposite said Mining Location number Six (being a portion of what is known as the Strathcona Addition to the City of Port Arthur), the whole containing by admeasurement one hundred acres, be the same more or less, and which may be more particularly described as follows, that is to say: Commencing on the west boundary of said Mining Location number Six, at the southeast angle of Mining Location "B," thence north, following the west boundary of said Mining Location number Six, six hundred and eighty-four feet, thence east perpendicular to the west boundary of Mining Location number Six, two thousand one hundred and twenty-six feet more or less, to the east boundary of Mining Location number Six, established by Ontario Land Surveyor A. Loughheed, thence south following the east boundary of Mining Location number Six, and the said east boundary produced, one thousand seven hundred and twenty-two feet and eight-tenths of a foot more or less, to the southerly limit of Water Lot 5P, thence westerly following the southerly limit of Water Lot 5P to its intersection with the southerly production of the west boundary of said Mining Location number Six, thence north following said production and said west boundary of said Mining Location number Six, two thousand two hundred and seventy-eight feet and six-tenths of a foot, more or less, to the place of beginning, saving and excepting therefrom the Canadian Pacific Railway right-of-way, and a strip of land one hundred feet wide perpendicularly to the Canadian Pacific Railway right-of-way, and a strip conveyed to the said City of Port Arthur for street purposes, which strip is described as follows: Commencing at a point in the westerly boundary of Mining Location number Six aforesaid, at its intersection with the southerly boundary of Mining Location "B," thence northerly, along said westerly boundary of Mining Location number Six, six hundred and eighty-four feet more or less, thence easterly along the northerly boundary of the hereinbefore described property, fifty feet; thence southerly, parallel to the westerly boundary of said Mining Location number Six, for a distance of eleven hundred and thirty-five feet, more or less, to the right-of-way of the Canadian Pacific Railway Company; thence westerly, along said right-of-way, to its intersection with the westerly boundary of said Mining Location number Six; thence northerly, along the said westerly boundary of Mining Location number Six, five hundred and fifteen feet, more or less, to the point of commencement, the said strip containing by admeasurement 1.3 acres, more or less.

CHAPTER 77.

An Act respecting the Town of Preston.

Assented to 26th March, 1918.

WHEREAS the Corporation of the Town of Preston has, Preamble.
by petition, represented; that the water mains in the said town are in many cases laid along properties, the owners of which do not take water or pay anything to the revenue of the waterworks or interest on the debentures issued by the municipality therefor although such properties are increased in value thereby, and that in consequence thereof the general water rates are higher than they otherwise would be, and that it is desirable that power should be granted to levy and collect a special rate upon all properties fronting on streets, lanes and alleys along which water mains are laid, and that all special rates shall be a lien on all properties served with mains and with a right of distress and sale of said lands as in the case of taxes in arrear and unpaid; and whereas the said Corporation has by its said petition further represented that it has incurred a floating indebtedness of Twenty Thousand Two Hundred Dollars (\$20,200), which has been incurred partly in the construction of a system of sewerage laid under By-law No. 421, which also provided for the issuing of debentures to the amount of Sixteen Thousand Dollars (\$16,000), the estimated cost of the work, and partly through the construction of an Air Pumping System in connection with the Sewerage Disposal Plant laid under the recommendation of both the Local and the Provincial Boards of Health, the particulars of the said floating indebtedness being as follows:—Eleven Thousand Six Hundred and Thirty Dollars (\$11,630), the difference in the amount of the cost of the work done under By-law No. 421 and the estimate of the cost thereof plus the interest charges incurred by the said Corporation on said indebtedness; Eight Thousand Five Hundred and Seventy Dollars (\$8,570), for the cost of installing an Air Pumping System in connection with Sewerage Disposal Plant plus interest; and whereas the said corporation has represented that to liquidate the said floating indebtedness forthwith, in addition to meeting the ordinary necessary annual expenses of the municipality would be unduly oppressive to the ratepayers,
and

and has prayed that power should be granted to consolidate the said debt, and to issue debentures for the amount thereof payable in thirty (30) years after the issue thereof; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Special rate
on land
fronting on
water
mains.

1. Subject to section three (3) the Light and Water Commissioners of the Town of Preston shall have power by by-law to be passed by them to levy and charge a special rate upon the several lands, lots or parts of lots, whether occupied or vacant, fronting or abutting upon all streets, lanes and alleys in the said municipality upon which water mains from which the commissioners are willing to supply water, are laid, which special rate shall be an annual rate according to the frontage of the said lands, lots or parts of lots, which rate shall not exceed five cents per foot for such frontage subject to the same discount for prompt payment as shall be allowed in respect of ordinary water rates for domestic use, and may, by by-law of the Light and Water Commissioners, be changed from time to time, as the commissioners may determine; and that the said commissioners may provide an equitable mode of assessing corner lots, triangular and other irregularly shaped pieces of land or lands unfit for building purposes where the commissioners deem it inequitable to assess the full frontage thereof, or to assess at as high a rate as other land fronting on any street; provided that upon the production by the owner or occupant using water of the receipt for the payment of the sum, rate or rent chargeable for the use thereof, or such proportion of such sum or rate or rent as shall equal such special rate for the same period, the commissioners shall remit or allow to such owner or occupant the amount so paid as a payment on account of the special rate authorized by this section; and provided also that if the sum, rate or rent paid by the owner or occupant for the use of water, as shown by the receipt therefor shall for the same period be greater than or equal to the said special rate, the commissioners shall remit to such owner or occupant the amount of said special rate, which would otherwise be chargeable against the lands occupied by or used in connection with the dwelling or other building in connection with which said rate or rent is paid.

Approval of
Council to
by-law.

2. The by-law for the said special rate shall not be finally passed by the Commissioners until it has been submitted to

and

and received the approval of a majority of all the members of the municipal council of the said town at a regular meeting thereof.

3. The said Light and Water Commissioners, by by-law to be passed by them, shall also have power to employ such person as they think proper to make the measurements of frontages for the purposes hereof, in cases where the frontages of the lands, lots or parts of lots have not, in the judgment of the commissioners, been properly set out in the town assessment roll and to fix the compensation of the said person. Measurement of frontages.

4. The said special rate shall be payable at the time or times during each year, fixed by the Light and Water Commissioners for payment thereof, and until paid shall be a lien and charge upon the lands, tenements, lots or parts of lots against which the same are charged or assessed and arrears of such special rates may, with interest thereon at the rate of ten per cent. per annum from the time of default in payment be collected in the same manner and by the same officials and by the same process as arrears of taxes are collectable under the provisions of *The Assessment Act*, and all rates and rents that may be received by the town treasurer or other officer of the said town under the above provisions shall be paid over to the said Light and Water Commissioners. Special rate to be lien on land.

5. The floating debt of the Corporation of the Town of Preston is consolidated at the sum of Twenty Thousand Two Hundred Dollars (\$20,200), and it shall and may be lawful for the council of the said corporation to pass a by-law authorizing the issue of debentures to the amount of Twenty Thousand Two Hundred Dollars (\$20,200), for the purpose of paying the said floating debt. Consolidation of floating debt.

6. The said debentures shall be made payable in not more than thirty (30) years from the date of issue thereof and shall bear interest at a rate not exceeding six per cent. per annum and may be issued either with or without coupons attached thereto for interest, and shall be payable at such place or places as the corporation may deem expedient. Debentures.

7. The said debentures shall be payable in equal annual instalments of principal and interest, in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debts are to be discharged. Equal annual instalments of principal and interest.

Special
rate.

8. The said corporation shall levy and collect in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Application
of proceeds
of special
rate.

9. The proceeds of the said debentures shall be applied by the said corporation to the payment of the said indebtedness of twenty thousand two hundred dollars (\$20,200) and for no other purpose whatever.

Assent of
electors not
required.

10. It shall not be necessary to obtain the assent of the electors or ratepayers of the Town of Preston to the passing of any by-law which shall be passed under the authority of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Irregularity
in form not
to invalidate

11. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing debentures, or as to the application of the proceeds thereof.

Treasurer
to keep
proper books
of account.

12. It shall be the duty of the treasurer for the time being to keep, and it shall be the duty of each of the members, from time to time, of the municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by the preceding sections, and the respective amounts, payment of which is hereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of accounts and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

CHAPTER 78.

An Act respecting the Town of Sandwich.

Assented to 26th March, 1918.

WHEREAS the Municipal Corporation of the Town of Sandwich has by petition represented that it did, on or about the 31st day of January, 1916, pass a by-law for the purpose of granting to Cadwells Limited, by way of bonus, fixed assessment, free water and electricity for light and power at cost, after the said by-law had been duly submitted to the electors of the said municipality and properly approved by them; and whereas, owing to financial conditions arising from the war, the said Cadwells Limited was unable to erect the said plant provided for in the said by-law within the time limited thereby set out, and the said Cadwells Limited has applied for an extension of the times set out in the said by-law, and the Council of the Municipal Corporation of the Town of Sandwich has expressed its desire that the same should be granted, and the granting of the said bonus and the contract executed therefor, be validated with the times so extended, and has prayed that an Act may be passed for this purpose; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 581 of the Town of Sandwich, a copy of which is set forth in Schedule "A" hereto, and the Agreement entered into thereunder, set out in Schedule "B" hereto, are hereby declared to be legal, valid and binding upon the Corporation of the Town of Sandwich and Cadwells Limited, with the various times and periods mentioned therein extended for three years, and the amount of the fixed assessment therein mentioned shall be \$15,000 instead of \$10,000.

By-law No. 581 and agreement with Cadwells Limited confirmed.

Agreement

Agreement made this 31st day of January, 1916.

Between

Cadwells Limited, a corporation under the laws of the Province of Ontario, of the First Part;

and

The Corporation of the Town of Sandwich, of the Second Part.

Whereas Cadwells Limited have expressed an intention to locate within the Town of Sandwich a plant or several plants for the purpose of manufacturing building tile, sewer crock and other building materials, and have agreed to employ at such plant, within the Town of Sandwich, for a period of two years from the 1st day of June, 1916, not less than fifteen men, and for a period of eight years from the first day of June, 1918, not less than twenty-five men, such employees to be residents of the Town of Sandwich, so far as it may be reasonably practical to employ citizens of the town;

And whereas the said Cadwells Limited have further agreed that the value of the plant or plants shall be not less than \$40,000.00;

And whereas the said Cadwells Limited has applied to the council of the Corporation of the Town of Sandwich that the taxes which shall be payable by the said Cadwells Limited, in relation to the plant and lands consisting of those parts of lots (9) and (10) on the west side of Russell Street to the water lots in front thereof to the Channel Bank owned by Cadwells Limited, for a period of ten years from the first of June, 1916, shall be levied only upon an assessment of \$10,000.00, and that free water up to a consumption of five million gallons in any one year shall be supplied to the said plant or plants from the main or mains on or near Russell Street, and that Cadwells Limited shall have the right to use hydro-electric energy for both power and light in relation to the said plants at actual cost of same to the town;

And whereas the matter of the granting of the said bonus has been submitted to the electors of the Town of Sandwich and the same has been approved by two-thirds of the electors who voted on the said by-law;

And whereas the said by-law has been passed by the affirmative vote of three-fourths of all the members of the council;

And whereas this agreement is executed for the purpose of carrying out the provisions of the said by-law.

Now therefore this indenture witnesseth:

1. That the party of the First Part for itself and its successors hereby covenants, promises and agrees with the party of the Second Part, that it will, on or before the first day of June, 1916, erect and construct upon those parts of lots (9) and (10) on the west side of Russell Street, in the Town of Sandwich, and the water lots in front thereof owned by Cadwells Limited, a plant or plants of the value of not less than \$40,000.00, and will, during the period, from the first of June, 1916, to the first of June, 1918, employ not less than fifteen men who, so far as it may be reasonably practical, shall be *bona fide* residents of the Town of Sandwich, and for a period of eight years thereafter shall employ not less than twenty-five men, chosen in the same manner, such workmen to be exclusive of officers and officials.

2. The party of the Second Part hereto hereby agrees with the party of the First Part, as follows:

That

That for a period of ten years, from the first of June, 1916, taxes shall be levied upon the said lands consisting of those parts of lots (9) and (10) on the west side of Russell Street and the water lots in front thereof to the Channel Bank, owned by Cadwells Limited, and buildings, machinery, plant and appliances of Cadwells Limited and all other assessable property on the said lands used by the said Cadwells Limited for the purpose of the business to be carried on at or in relation to the said plant upon an assessment including its business assessment of the sum of \$10,000.00 only.

3. The party of the Second Part hereby covenants and agrees with the party of the First Part:

That the said Cadwells Limited shall be entitled to a reasonable use of water for the purposes of its plant or plants and business carried on as aforesaid from the mains of the town at or near Russell Street, without charge up to a consumption in any one year of five million gallons and above, that at cost to the Corporation of the Town of Sandwich (not the Water Board) for a period of ten years from the first of June, 1916, and also shall be entitled to a reasonable use of hydro-electric energy for the purpose of power and light in connection with the said plant or plants and the said business, at the actual cost of same to the town.

4. Provided that the fixed assessment hereby provided for shall not commence until the covenants and agreements contained in paragraph one thereof shall have been complied with by the said party of the First Part.

5. Provided that nothing herein contained shall be deemed to authorize any exemption from taxation for school purposes or local improvement rates or assessments.

6. Provided that such exemption shall cease should the property cease to be in actual use for a period of one year during the currency of the exemption.

7. Provided that such exemption shall cease if, for a period of six months, the said company shall cease to carry on its business except during such periods as it may be interrupted by strikes, acts of war or violence or by unavoidable causes, including storms, fires and destructive accidents when a reasonable time shall be allowed the company to remedy such matters.

8. Provided that all disputes, claims and questions arising between the said company and the Town of Sandwich hereunder shall be within the jurisdiction of The Ontario Railway and Municipal Board.

In witness whereof the parties hereto have hereunto affixed its corporate seal.

Signed, sealed and delivered in the presence of

(Seal)

CADWELLS LIMITED,
Per C. W. CADWELL, *Pres.*
F. E. HARVEY, *Secy.*

(Seal)

ROBT. MAISEY, *Mayor.*
E. R. NORTH, *Clerk.*

BY-LAW No. 581.

A by-law to grant a bonus to Cadwells Limited by way of fixed assessment at the sum of ten thousand dollars for a period of ten years, and by the giving of free water and electric energy for power and light at actual cost.

Whereas Cadwells Limited have expressed an intention to locate within the Town of Sandwich a plant, or several plants, for the purpose of manufacturing building tile, sewer crock and other building materials, and have agreed to employ at such plant, within the Town of Sandwich, for a period of two years from the first day of June, 1916, not less than fifteen men and for a period of eight years, from the first day of June, 1918, not less than twenty-five men, such employees to be residents of the Town of Sandwich, so far as it may be reasonably practical to employ citizens of the town;

And whereas the said Cadwells Limited have further agreed that the value of the plant or plants shall be not less than \$40,000.00;

And whereas the said Cadwells Limited has applied to the Council of the Corporation of the Town of Sandwich that the taxes which shall be payable by the said Cadwells Limited in relation to the plant and lands, consisting of those parts of lots (9) and (10) on the west side of Russell Street to the water lots in front thereof to the Channel Bank owned by Cadwells Limited, for a period of ten years, from the first day of June, 1916, shall be levied only upon an assessment of \$10,000.00, and that free water up to a consumption of five million gallons in any one year shall be supplied to the said plant or plants from the main or mains on or near Russell Street, and that Cadwells Limited shall have the right to use hydro-electric energy for both power and light in relation to the said plants, at actual cost of same to the town;

And whereas the Corporation of the said town deems it expedient to grant the said bonus, and it is necessary, amongst other things, to submit this by-law to the ratepayers of the Town of Sandwich.

Therefore the Corporation of the Town of Sandwich, by the council thereof, enacts as follows:

1. That for a period of ten years, from the first of June, 1916, taxes shall be levied upon the lands consisting of those parts of lots (9) and (10) on the west side of Russell Street and the water lots in front thereof to the Channel Bank owned by Cadwells Limited, buildings, machinery, plant and appliances of Cadwells Limited and all its other assessable property within the Town of Sandwich, used by it for the purpose of the business to be carried on at or in relation to the said plant or which it may hereafter own, lease or occupy in connection with the said business, and all additions to such buildings, machinery, plant and appliances upon an assessment including its business assessment of the sum of \$10,000.00 only, provided, however, nothing herein contained shall be deemed to authorize any exemption from taxation for school purposes or local improvement rates or assessments.

2. Provided that such exemption shall cease should the property cease to be in actual use for a period of one year during the currency of the exemption.

3. Provided that such exemption shall cease if, for a period of six months, the said company shall cease to carry on its business, except during such periods as it may be interrupted by strikes, acts of war or violence, or by unavoidable causes, including storms, fires and destructive accidents, when a reasonable time shall be allowed the company to remedy such matters.

4. Provided further that the company shall erect a plant on said lands of the value of \$40,000.00, and during the period from the first of June, 1916, to the first of June, 1918, employ not less than fifteen workmen who, so far as shall be reasonably practical, shall be *bona fide* residents of the Town of Sandwich, and for a period of eight years thereafter shall employ not less than twenty-five workmen similarly, such workmen to be exclusive of officers and officials, and such exemption shall not commence until the employment of such fifteen workmen has commenced.

5. That the said Cadwells Limited shall be entitled to a reasonable use of water for the purposes of its plant or plants and business carried on as aforesaid from the mains of the Town at or near Russell Street, without charge, up to a consumption in any one year of five million gallons and above that at cost to the Corporation of Sandwich (not the Water Board) for a period of ten years from the first of June, 1916, and shall be entitled to a reasonable use of hydro-electric energy for the purpose of power and light in connection with the said plant or plants and the said business at the actual cost of same to the town.

6. Provided that all disputes, claims and questions arising between the said company and the Town of Sandwich hereunder, shall be within the jurisdiction of The Ontario Railway and Municipal Board.

Read first, December 9th, 1915.

Read second time and provisionally adopted, December 9th, 1915.

Finally passed, January 31st, 1916.

ROBERT MAISEY, *Mayor*.
E. R. NORTH, *Clerk*.

CHAPTER 79.

An Act respecting the Township of Sandwich East.

Assented to 26th March, 1918.

Preamble.

WHEREAS the Essex Border Utilities Commission was established by an Act passed in the sixth year of the reign of His Majesty King George the Fifth, chapter 98, with authority to construct a trunk sewer and a water system in the Corporations of the City of Windsor, in the Towns of Walkerville, Sandwich, Ford City, Ojibway and the Township of Sandwich West; and whereas each of the said Corporations have representation upon the said Commission; and whereas a portion of the works provided for in said Act may be constructed in the Township of Sandwich East; and whereas the Township of Sandwich East has by its petition represented that it is necessary to provide for a water system and to prevent contamination of the waters of the Detroit River by sewage from the westerly portion of said township, and it is desirable for such purposes that the said Township of Sandwich East may become a unit for representation of the said Commission on the same terms as the other corporations as set out in the said Act, chapter 98, passed in the sixth year of the reign of His Majesty King George the Fifth and the amendments thereto; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

6 Geo. V.
c. 98, s. 2
amended.

1. Section 2 of the Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 98, is amended by adding the following subsection:

(n) Sandwich East shall mean the Corporation of the Township of Sandwich East in the County of Essex.

s. 3 (1)
amended.

2. Subsection (1) of section 3 of the said Act is amended by striking out the word "twelve" in the second line thereof and substituting therefor the word "fourteen." and

and by striking out the word "six" in the third line thereof and substituting therefor the word "seven."

3. Subsection (1) of section 3 of the said Act is further amended by inserting the following paragraph before the words "the Commission be a body corporate" in the fortieth line thereof: S. 3 (1) amended.

The Reeve of Sandwich East shall be *ex officio* a member of the Commission, and the electors of Sandwich East shall every five years elect one person to be a member of the Commission. The first person so elected and his successors shall each hold office for a term of five years.

4. Section 3 of the said Act is further amended by adding thereto subsection (5): S. 3 amended.

(5) The Council of Sandwich East shall by by-law appoint one person to be a member of the Commission for the year 1918 and until his successor is elected at the next annual municipal election. Appointment of commissioner by Tp. of Sandwich East.

5. Subsection (3) of section 4 of the said Act is amended by inserting after the word "Ojibway" in the second and third lines thereof the words "that part of the Township of Sandwich East" described in Schedule "C" hereto. S. 4 (3) amended.

6. Subsection (3) of section 4 of the said Act is hereby amended by striking out the words "part of Sandwich West" in the eighth line thereof and substituting therefor "parts of Sandwich East and Sandwich West." S. 4 (3) amended.

7. Section 6 of the said Act is hereby amended by inserting the words "Sandwich East" after the word "Ojibway" in the fifth line thereof. S. 6 amended

8. Section 14 of the said Act is hereby amended by inserting after the word "Ojibway" in the fourth line thereof the words "Sandwich East." S. 14 amended.

9. Section 17 of the said Act is hereby amended by adding thereto the following subsection (5): S. 17 amended.

(5) In Sandwich East the question or questions shall be submitted to the electors in that part of the Corporation described in Schedule "C" to this Act and no other. Submission of questions in Sandwich E.

10. Subsection (2) of section 5 of the said Act is hereby amended by striking out the word "construct" in the twelfth S. 5 (2) amended.

twelfth line thereof and substituting therefor the word "connect."

Sched. "C"
added.

11. The said Act is hereby further amended by adding thereto the following as Schedule "C":

SCHEDULE "C."

All that part of the Township of Sandwich East bounded on the north by the Detroit River; on the east by the easterly line of the Lauzon Road and its extension northerly to the Detroit River; on the west by the easterly limits of Ford City; on the south by the north limit of the Grand Trunk Railway from the Lauzon Road to the Pilette Road, thence along the westerly limit of the Pilette Road to the Tecumseh Road, thence along the northerly limit of the Tecumseh Road to the easterly limit of Ford City.

CHAPTER 80.

An Act respecting the City of Sault Ste. Marie.

Assented to 26th March, 1918.

WHEREAS the Municipal Council of the Corporation Preamble.
of the City of Sault Ste. Marie, hereinafter called the corporation, has, by petition, represented that it is desirable that certain by-laws specified in schedule "A" hereto and the debentures issued or to be issued thereunder and the assessments made or to be made, and the rates levied or to be levied for the payment of the said debentures be validated and confirmed; and to validate and confirm all sales of land within the City of Sault Ste. Marie, including the former Town of Steelton, now included within the limits of the City of Sault Ste. Marie, made subsequent to the 31st day of December, 1913, and prior to the 1st day of January, 1917, which purport to be made by the said corporations or either of them, for arrears of taxes in respect to lands so sold for which tax deeds have been issued by the said corporations. And to authorize the council of the said corporation, notwithstanding the provisions of clause 2 of by-law No. 914, set forth as schedule "B" to *The City of Sault Ste. Marie Act, 1917*, being VII Geo. V, chapter 87, to provide for the appointment of three members of The Public Utilities Commission of the said city, each for the term of three years, but the provisions of the said by-law in all other respects to remain valid and binding on the said corporation; and to amend the order of the Ontario Railway and Municipal Board, dated the 24th day of November, A.D. 1917, providing for the amalgamation of the Corporation of the City of Sault Ste. Marie and the Corporation of the Town of Steelton, by adding the following words to the description of Polling Subdivision No. 16 and Polling Subdivision No. 17, in the first paragraph thereof, that is to say, "and the easterly limit of Farwell Terrace, produced northerly to the southerly limit of the Second Line," and to validate and confirm, in all other respects, the said order; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Confirmation
of certain
by-laws.

1. The by-laws specified in schedule "A" hereto and all debentures issued or to be issued thereunder and all assessments made or to be made, and all rates levied or to be levied for the payment of the said debentures are confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

Tax sales
and deeds
confirmed.

2.—(1) All sales of land within the City of Sault Ste. Marie or the Town of Steelton, now amalgamated with the City of Sault Ste Marie, made subsequent to the 31st day of December, 1913, and prior to the 1st day of January, 1917, which purport to be made by the corporation of the said city or the corporation of the said town, for arrears of taxes in respect to lands so sold, for which tax deeds have been issued by either of the said corporations, are hereby validated and confirmed and all deeds of land so sold, executed by the mayor and treasurer of either of the said corporations purporting to convey the said lands so sold, to the purchaser thereof or his, her or their assigns are hereby validated and confirmed and shall have the effect of vesting the lands so sold or conveyed, or purported to be sold or conveyed, and the same are hereby vested in the purchaser or his, or her or their heirs and assigns in fee simple, free and clear of and from all title or interest whatsoever of the owner or owners thereof at the time of such sale or his, her or their assigns, and all charges and encumbrances thereon, except taxes accrued since those for which payment whereof the said lands were sold.

Purchase by
corporation.

(2) Subsection 1 of this section shall extend and apply to cases where the said city or town or any person or persons in trust for it, or on its behalf, became the purchaser of lands at any such tax sale.

Pending
litigation not
affected.

(3) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

Appointment
of three
members
on Public
Utilities
Commission.

3. Notwithstanding the provisions of clause 2 of By-law No. 914 of the said city, set forth as schedule "B" to *The City of Sault Ste. Marie Act, 1917*, being VII George V, chapter 87, the municipal council of the said corporation may provide for three appointed members of the Public Utilities Commission of the said city (not being members of the council) in addition to the mayor, who is *ex officio* a member thereof, the said members so appointed to hold office for a period of three years from the date of their appointment, one of said members retiring annually, the

term

term of office of those first appointed to be chosen by ballot, as provided in said by-law, but in all other respects the provisions of the said by-law shall remain valid and be binding upon the said corporation.

4. The order of The Ontario Railway and Municipal Board, dated the 24th day of November, 1917, providing for the amalgamation of the Corporation of the Town of Steelton and the Corporation of the City of Sault Ste. Marie, is hereby amended by adding to the description of Polling Subdivision No. 16 and Polling Subdivision No. 17, in the first paragraph thereof the following words, "and the easterly limit of Farwell Terrace produced northerly to the southerly limit of the Second Line," but in all other respects the said order is hereby validated and confirmed.

Amendment
of order of
Municipal
Board re
annexation
of Steelton.

5. This Act may be cited as *The City of Sault Ste. Marie Act, 1918.* Short title.

SCHEDULE "A."

1. A by-law to provide for the issue of debentures to raise the sum of \$11,707.24 to provide for the cost of sewers constructed in the City of Sault Ste. Marie, in the year 1917.

2. A by-law to provide for the issue of debentures to raise the sum of \$3,279.39 to provide for the cost of the construction of certain sidewalks constructed in the City of Sault Ste. Marie in the year 1917.

3. A by-law to provide for the issue of debentures to raise the sum of \$60,389.49 to provide for the cost of the construction of certain pavements constructed in the City of Sault Ste. Marie in the year 1917.

4. A by-law to provide for the issue of debentures to raise the sum of \$3,453.16 to provide for the cost of the construction of certain sewers, constructed in the Town of Steelton, now a portion of the City of Sault Ste. Marie, in the year 1917.

5. A by-law to provide for the issue of debentures to raise the sum of \$11,882.45 to provide for the cost of the construction of certain sidewalks, constructed in the Town of Steelton, now a portion of the City of Sault Ste. Marie, in the year 1917.

6. A by-law to provide for the issue of debentures to raise the sum of \$22,000.00 to be expended for British Red Cross and other patriotic purposes.

7. A by-law to provide for the issue of debentures to raise the sum of \$3,600.00 for public school purposes in the City of Sault Ste. Marie in the year 1917.

CHAPTER 81.

An Act respecting the Township of Scarborough
and the Township of Etobicoke.*Assented to 26th March, 1918.*

Preamble.

WHEREAS the Municipal Corporations of the Townships of Scarborough and Etobicoke have, by petition, shown that the Township of Scarborough adjoins the City of Toronto to the east and the Township of Etobicoke adjoins the said city to the west, and that during several years past numerous farms in each township have been sub-divided and centres of population have arisen in various parts of the municipalities, and portions of each township have become thickly settled, and the population in such portions is steadily increasing, but the greater part of each township consists of farm and garden lands; that the only water supply available for such thickly settled portions of the townships, as well as other centres of population, is derived from wells, with the exception that a small portion of the Township of Scarborough adjoining the City of Toronto is supplied by arrangement with said city, and it is in the interests of public health and for the benefit and convenience of the residents that an adequate supply of water be obtained and distributed; that it would be inequitable to charge any portion of the cost of such water supply against lands not directly benefited thereby; that owing to the increase of population in the townships, as before mentioned, it is necessary that the townships may make by-laws and regulations for the collection, removal and disposal of ashes, garbage and other refuse in such thickly settled portions of the townships, and that it would be inequitable to charge any portion of the cost thereof against lands not directly benefited thereby; that owing to the large number of dogs owned by residents of the townships, particularly in the thickly settled portions, it is advisable that the townships be given power to make and enforce regulations for licensing, registering, tagging and otherwise controlling dogs, and imposing fees therefor; and whereas the said corporations have by their petition prayed that an Act may be passed for the above purposes; and whereas it is expedient to grant the prayer of the said petition:

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Municipal Councils of the Corporations of the Townships of Scarborough and Etobicoke may respectively pass by-laws: Power to construct waterworks in defined areas.

(1) To acquire, construct, extend, maintain and operate a system or systems of water works, including the laying of mains and other appliances to connect with any existing system of water works, whether owned by the corporation, or by any other corporation or person, for the benefit of any defined sections or areas of the municipality which may from time to time be described in a petition to, or designated by, the council.

(2) To provide in any such by-law that the whole cost of acquiring, constructing or extending any work undertaken pursuant to the powers given by this Act shall be charged and levied upon and from all the real property in any such defined sections or areas, and that such cost shall include, in addition to the ordinary cost of construction, the cost of all connections, mains, hydrants, stop cocks, fittings and appliances of every kind whatsoever, and including those parts of the work situate at street intersections in connection with the system, as well as any claim for damages arising out of, or incidental to, the acquiring, construction or maintenance of said works. Levy of cost.

(3) To provide for the construction and installation of branch water mains, service pipes, stop cocks and appliances, and all other necessary works, appliances and apparatus, upon any street within any such defined sections or areas, the whole cost thereof to be specially assessed against the lands served by such branch mains, and no portion of the cost against the municipality at large. Branch water mains, service pipes, etc.

2. The council of each municipality may pass by-laws to borrow, on the credit of the corporation at large, from time to time, the money necessary for carrying out the works designated in section 1, and may issue debentures to the requisite amount, payable within thirty years from their issue, in respect to the works designated in subsections (1) and (2) of section 1, and within twenty years, in respect to the works designated in subsection (3) of section 1, and shall levy such sums as may be requisite for the purpose of paying the debentures and interest by annual special rates on the dollar, according to the revised assessment Borrowing powers.

ment roll from year to year, upon all the real property liable therefor contained in any such sections or areas.

Special rate according to assessed value.

3. The council of each municipality may carry on, maintain and operate any such system of waterworks, and levy and collect the whole cost of and incidental thereto upon and from the real property contained in any such defined sections or areas, by a special rate or rates on the dollar, according to its assessed value, and for the purposes aforesaid the corporation shall have and possess, *mutatis mutandis*, all the powers given to municipal corporations in respect to municipal waterworks in parts one and four of *The Public Utilities Act*, and any amendments thereto which may hereafter be passed.

Rev. Stat. c. 204.

Application of surplus revenues.

4. The surplus revenues arising from the carrying on, maintenance and operation of any such system, after providing for the expense thereof, in any year, shall form part of the funds for the carrying on, maintenance and operation of the said system for the following year or years, but the council may, nevertheless, in any one year, apportion such part of said surplus revenues as they may consider advisable towards the payment of the debentures or interest thereon issued in respect to the main system of water works falling due in such year, when the special rate to be levied for payment of the debentures and interest falling due in such year shall be reduced accordingly.

Charging of losses against property.

5. All loss in connection with, or any excess of expense over and above the revenue received in respect to carrying on, maintaining and operating any such water system, and all claims for damages arising in respect or incidental thereto, in any year shall be charged against the real property contained in any such sections or areas, and shall be levied and collected therefrom by a special rate or rates on the dollar, according to its assessed value, in the same manner as other taxes are levied, provided that any surplus revenue which may be on hand from any previous year or years shall be applied to any such loss or damages before any such special rate is levied.

Procedure Rev. Stat., c. 193.

6. The form of procedure for undertaking any work authorized by this Act shall be that prescribed in sections 8 to 18a of *The Local Improvement Act*, and any amendments thereto which may hereafter be passed, and section 40, subsections (1) and (2), and sections 43, 44 and 47, and sections 53 to 55 of *The Local Improvement Act*, and any amendments thereto which may hereafter be passed, shall, *mutatis mutandis*, apply to any by-law passed pursuant to this Act, and it shall not be necessary to submit, for
the

the assent of the electors, any such by-law, but no by-law setting apart any defined area and providing for the construction of the trunk mains, and the operation of the system in such area, shall be finally passed by the council until a certificate shall have been obtained from The Ontario Railway and Municipal Board approving of such by-law, and every by-law, when the same has been approved by The Ontario Railway and Municipal Board, and the debentures which may be issued in substantial conformity with its provisions, shall be valid and binding upon the corporation and upon the lands liable for the rate imposed, by, or under the authority of, the by-law, and the validity of the by-law and every debenture issued pursuant to the same shall not thereafter be open to question in any court.

7. The provisions of section 296 of *The Municipal Act*,
and any amendments thereto which may hereafter be passed,
in respect to the registration and validity of local improve-
ment by-laws, shall apply to any by-law passed pursuant to
this Act, providing for the construction and installation of
branch water mains.

Application
of Rev. Stat.
c. 192, s. 296.

8. The said corporation may, but shall not be obliged to,
supply water for the use of persons or institutions not
within any such sections or areas.

Supply of
water, when
not obliga-
tory.

9. The councils of said townships may from time to time
respectively pass by-laws providing for the collection, re-
moval and disposal by the corporation of ashes, garbage and
other refuse throughout the respective municipalities, or
any defined areas of them, as set apart by the council, at the
expense of the owners and occupants of the land contained
in such defined areas, and for imposing upon such land, ac-
cording to its assessed value, a special rate on the dollar
to defray the expense of such collection, removal and dis-
posal.

Removal
of ashes,
garbage, etc.

10. The councils of said townships may, from time to
time, respectively, pass by-laws for licensing, registering,
tagging and otherwise controlling dogs, and imposing such
fees therefor as the council may see fit on the owners,
possessors or harborers of them, with the right to impose a
larger tax in case of bitches, or for each additional dog or
bitch where more than one is owned, possessed or harbored
by any one person, or in any one household, but the tax
imposed under any such by-law shall not be less than is pro-
vided in *The Dog Tax and Sheep Protection Act*, or any
amendments thereto which may hereafter be passed, and

Licensing
and regis-
tration of
dogs.

while

Rev. Stat.
c. 246.

while any such by-law is in force sections 3 to 7 of *The Dog Tax and Sheep Protection Act* shall not apply to the municipality passing the same, and it shall not be necessary to enter any particulars as to dog taxes in the collector's roll, but the moneys collected shall be applied in all respects the same as if they had been collected and paid to the municipality under said sections 3 to 7.

†

CHAPTER 82.

An Act respecting the Town of Smith's Falls.

Assented to 26th March, 1918.

WHEREAS the Corporation of the Town of Smith's Falls has by petition represented that it has incurred a floating debt amounting to \$28,000 in addition to the ordinary expenses of the corporation for payment of which no fund has been provided, the said floating debt having arisen from an excess of expenditure in erecting a public school and general expenses in connection with collegiate institute and public schools and in connection with street improvements and special grants for patriotic purposes and loss on sale of debentures; and whereas it has been made to appear that the ratepayers of the said town have been fully informed of the intention of the corporation to apply for powers to issue debentures to cover the said floating debt and no opposition has been made thereto; and whereas the said corporation has represented that to liquidate the said floating debt forthwith in addition to meeting the current annual expenses would be unduly oppressive to the ratepayers; and whereas the said corporation has by its petition prayed that the various floating debts be consolidated and that it may be authorized to borrow money by the issue of debentures to discharge the said floating debt; and whereas the said corporation has further represented that doubts have been raised as to the validity of by-law No. 1309, and has by its petition prayed that said by-law No. 1309 be confirmed; and whereas the total debenture debt of the said corporation amounts to \$565,405.52 and that no arrears for principal or interest in connection therewith exists and the total rateable property according to the last revised assessment roll is \$3,683,255; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said debts of the said Town of Smith's Falls referred to as floating debts are hereby consolidated at the sum

Preamble.

Consolidation of floating debts.

sum

sum of \$28,000, and it shall be lawful for the Corporation of the said Town of Smith's Falls to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons or body corporate the sum of \$28,000 to pay off the said floating debt of \$28,000.

Issue of
debentures.

2. It shall be lawful for the said Corporation of the Town of Smith's Falls from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal signed by the mayor and countersigned by the treasurer for the time being, in such sums of not less than one hundred dollars and not exceeding \$28,000 in the whole as the said corporation may from time to time direct and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient and may be expressed in either sterling money of Great Britain or currency of Canada.

Hypotheca-
tion of
debentures.

3. The Corporation of the said Town of Smith's Falls may for the purpose in section 6 hereof mentioned raise money by way of loan on the said debentures in this province or in Great Britain or elsewhere or sell or dispose of said debentures from time to time as they may deem expedient.

Term of
debentures.

4.—(1) The said debentures shall be payable in not more than thirty years from the date of issue thereof, and shall bear interest at a rate not exceeding six per cent. per annum, and may be issued with or without coupons attached thereto for interest, and shall be payable at such place or places as the Corporation may deem expedient.

Equal
annual in-
stalments
of principal
and interest.

(2) The said debentures may be issued payable in equal annual instalments of principal and interest, in such manner and in such amounts that the amount payable for principal and interest in any year shall be equal as nearly as possible to what is payable for principal and interest during each of the other years of the period within which the debts are to be discharged.

Special
rate.

5. The said corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures to be issued under this Act to be called "The Consolidated Debenture Rate" and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

6. The said debentures and all monies arising therefrom shall be applied by the said corporation in the redemption of the debentures of the Town of Smith's Falls in payment of the said floating debt and in no other manner. Application of proceeds of debentures.

7. Any by-law passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-law not to be repealed.

8. It shall not be necessary to obtain the consent of the electors of the said Town of Smith's Falls to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Municipal Act*. Assent of electors not required.

9. It shall be the duty of the treasurer from time to time of the said town to keep and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth the full particulars of each debenture which shall from time to time be issued under the powers conferred by this Act and the amounts derived from sale thereof and such book of account shall be open to inspection by any ratepayers of the said Town at all reasonable hours. Treasurer to keep proper books of account.

10. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Smith's Falls from any indebtedness or liability not included in the said floating debt of the said Town of Smith's Falls. Indebtedness of town not discharged.

11. The debentures issued under this Act may be in the form contained in Schedule "A" to this Act and the by-law or by-laws authorizing the same may be in the form of Schedule "B" to this Act. Forms.

12. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be deemed inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in form of the said debentures or any of them authorized to be issued by this Act or any of the by-laws or by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof and the purchaser or holder Inconsistent enactments not to apply.

holder thereof shall not be bound to inquire as to the necessity of passing such by-law or by-laws or issue of debentures or as to the application of the proceeds thereof.

By-law
No. 1309
confirmed.

13. By-law No. 1309 of the said corporation to borrow \$12,000 for the completion and equipment of the new Elgin School, and the debentures issued or to be issued thereunder are confirmed, and declared to be legal, valid and binding on the said corporation and the ratepayers thereof.

Power to
collect
arrears of
taxes.

14. The said Corporation of the Town of Smith's Falls are hereby authorized and empowered to collect all arrears of taxes due to the said corporation as such arrears appear upon the collectors' rolls of the said corporation and to take all proceedings authorized by *The Assessment Act* whether by way of distress, action, suit at law or sale of lands or of property to collect and enforce payment of such taxes; notwithstanding any irregularity in the assessment or other proceedings for the imposition of any taxes in arrear or failure to comply with the requirements of *The Assessment Act* or *Assessment Acts* from time to time in force or any Act or Acts amending the same in regard to certifying or signing of the assessment rolls or collectors' rolls or in the making of any affidavit or oath required in connection therewith or in regard to the time for the return of any collectors' rolls for the said town or in the making of any such return or in regard to the furnishing, authenticating or depositing of any list of land in arrears for taxes within the said town or furnishing by the collector of any account of the taxes remaining due on any and all collectors' rolls or in regard to the mailing of notices to any person in respect to whose land any taxes appeared at any time to be in arrears or in regard to any omission to levy the amount of any such taxes in arrears by distress and sale of goods and notwithstanding any failure on the part of the said Town of Smith's Falls to give written notice to the owners or any other person and notwithstanding the failure of the treasurer of the municipality or any person on his behalf to make or cause to be made a search or searches and to give a notice or notices and notwithstanding any other failure, omission or mistake of any kind whatsoever in or about any matters above mentioned.

SCHEDULE "A."

Province of Ontario, Town of Smith's Falls Consolidated Debt Debenture.

Under and by virtue of *The Smith's Falls Debenture Act, 1918*, and by virtue of by-law No. _____ of the Corporation of the Town of Smith's Falls, the Corporation of the Town of Smith's Falls promise to pay the bearer at _____ the sum of _____ on the (one year from date of issue) one thousand hundred and _____ and the yearly coupons hereto attached as the same shall severally become due.

Dated at Smith's Falls this _____ day of _____ A.D.

(Seal.)

Mayor.

Treasurer.

SCHEDULE "B."

By-law No. _____ to authorize the issue of debentures under authority of the *Town of Smith's Falls Debenture Act, 1918*.

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned, to be known as "Consolidated Debt Debentures" not exceeding the sum of \$29,200 in the whole, as the Corporation of the Town of Smith's Falls may in pursuance of and in conformity with the provisions of the said Act direct; and whereas for the purpose mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ _____ payable on the _____ day of _____ and on the _____ day of _____ with interest thereon at the rate of _____ per cent. per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said Town of Smith's Falls, according to the last revised assessment roll of the said town, being for the year one thousand nine hundred and _____ was \$ _____

Therefore the Municipal Council of the Corporation of the Town of Smith's Falls enacts as follows:

1. Debentures under the said Act and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures" to the extent of the sum of \$ _____ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of _____ per cent. per annum, payable (yearly from date of issue).

3. This by-law passed in open council this _____ day of _____ in the year of our Lord one thousand nine hundred and _____.

CHAPTER 83.

An Act respecting The Town of Sudbury.

Assented to 26th March, 1918.

Preamble.

WHEREAS the Municipal Council of the Corporation of the Town of Sudbury, hereinafter called the Corporation, has, by petition, represented that it is desirable that certain by-laws specified in Schedule "A" hereto, and the debentures issued and to be issued thereunder, and the assessments made or to be made, and the rates levied or to be levied for payment of said debentures, should be validated and confirmed; and whereas the said Corporation has prayed that an Act may be passed for the above purpose; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Confirmation
of certain
by-laws.

1. The by-laws specified in Schedule "A" hereto are confirmed and declared to be legal, valid and binding upon said Corporation and the ratepayers thereof; the rates imposed by and to be levied under said by-laws for payment of debts authorized by said by-laws and the interest thereon, are also confirmed and declared to be valid and binding upon the Corporation of the Town of Sudbury and the ratepayers thereof.

Confirmation
of debentures.

2. All debentures issued or to be issued or purporting to be issued under said by-laws or any of them, are confirmed and declared to be valid and binding upon the Corporation of the Town of Sudbury, and it shall not be necessary for the purchasers of such debentures to enquire into the validity of the proceedings relating to the issue of same or to see to the application of purchase money therefor.

SCHEDULE "A."

No. By-law.	Date of Passing By-law.	Nature of Work under By-law.	Amount Debt Created.	Amount Payable by Town.	Amount Payable by Ratepayers.	Period of Payment.	Rate of Interest.
553	21st May, 1917	A by-law to provide for borrowing of \$46,000.00 upon debentures for purpose of erecting stand pipe and laying auxiliary main to stand pipe in Town of Sudbury	\$46,000.00	\$46,000.00		20 yrs.	5%
588	15th Dec., 1917	A by-law to provide for borrowing \$3,200.00 by way of debentures for the purpose of acquiring a site for a library in the Town of Sudbury	3,200.00	3,200.00		5 yrs.	5%
590	15th Dec., 1917	A by-law to provide for the raising of \$30,000.00 by way of debentures for purposes therein set forth, said purposes being for purchasing of lands therein described for park purposes in the Town of Sudbury	30,000.00	30,000.00		30 yrs.	5%
595	13th Feb., 1918	A Local Improvement By-law to provide for raising \$9,933.94 upon debentures to pay for the construction of sanitary sewers and waterworks extensions therein set forth	9,933.94	5,224.53	\$4,709.41	20 yrs.	5%
596	13th Feb., 1918	A by-law to provide for raising of \$40,800.00 for purposes therein set forth, said purposes being to pay for extensions to existing waterworks system and sewer system, making sewer pumping alterations, making extensions to existing electric light system, for a grant for patriotic purposes, for extensions to existing Cedar Street bridge, and for completing construction of stand pipe now in course of erection in Town of Sudbury	40,800.00	40,800.00		20 yrs.	5%
597	13th Feb., 1918	A Local Improvement By-law to provide for borrowing \$4,925.86 upon debentures to pay for the construction of concret walks therein set forth	4,925.86	2,617.46	2,308.40	10 yrs.	5%

CHAPTER 84.

An Act respecting the City of Toronto.

Assented to 26th March, 1918.

Preamble.

WHEREAS the Corporation of the City of Toronto has, by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the Toronto Harbour Commissioners have entered into contracts involving large expenditures upon harbour work, from which the contractor is unwilling to release the Commissioners, and whereas the said Commissioners are unable at the present time to negotiate their debentures advantageously to meet such expenditure, and have applied to the said Corporation for temporary financial advances:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Loan to
Harbour
Commis-
sioners.

1. The Corporation of the City of Toronto may temporarily loan money on hand for sinking fund purposes or from time to time raised therefor to the Toronto Harbour Commissioners to an amount not exceeding \$1,725,000.

Agreement
with
Toronto
Suburban
Railway
Company,
confirmed.

2. The agreement made between the said Corporation of the City of Toronto and the Toronto Suburban Railway Company, dated the 16th day of October, 1917, a copy of which agreement is set forth in Schedule "A" hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, and the said Toronto Suburban Railway Company shall have until the 30th day of November, 1918, within which to construct, complete, equip and put in operation their railway upon that portion of Davenport Road lying east of Bathurst Street to the northern limits of the said city as the same existed in the year 1899.

SCHEDULE "A"

Memorandum of agreement made in triplicate this sixteenth day of October, One Thousand Nine Hundred and Seventeen.

Between

The Corporation of the City of Toronto, hereinafter called the
"City," of the first part,

and

The Toronto Suburban Railway Company, hereinafter called
the "Company," of the second part.

Whereas by subsection 2 of section 12 of the Statute passed in the seventh year of the reign of His Majesty King George the Fifth, Chaptered 92, the Company is empowered at any time before the thirtieth day of November, 1917, to construct, complete, equip and put in operation their railway upon that portion of Davenport Road referred to in the said section 12 of the said statute, as required by By-law Number 7644 of the Corporation of the said city passed June 12th, 1916:

And whereas no agreement as to the alternative route referred to in the said statute has been arrived at, and the property owners along the said Davenport Road have requested the company and the city to further defer the construction of the railway, and it has been agreed between the parties hereto that the period fixed by the said section 12 within which to construct, complete, equip and put in operation the railway upon the said portion of Davenport Road therein referred to be extended;

Now, therefore, this agreement witnesseth in consideration of the premises and of the sum of one dollar paid by the said company to the said city, the receipt of which is hereby by the said city acknowledged, it is agreed between the parties hereto as follows:

1. The said city hereby agrees that the said company shall have until the thirtieth day of November, 1918, within which to construct, complete, equip and put in operation their railway upon that portion of Davenport Road referred to in the said section 12 of the said statute, as required by By-law Number 7644 of the corporation of the said city passed June 12th, 1916.

2. The parties hereto further agree that in all other respects the rights and obligations of each shall remain in full force and effect.

3. The city agrees to make application at the next Session of the Legislature of the Province of Ontario for legislation confirming this agreement, and the company agrees to assist the city in procuring such legislation.

In witness whereof the parties hereto have hereunto affixed their corporate seals by the hands of their proper officers.

Signed, sealed and delivered
in the presence of

(Sgd.) GERARD RUEL.

THE TORONTO SUBURBAN RAILWAY COMPANY.

(Sgd.) W. MACKENZIE,
President.

(Seal.) . (Sgd.) GEO. C. ROYCE,
Secretary.

(Sgd.) T. L. CHURCH,
Mayor.

(Seal.) (Sgd.) T. BRADSHAW,
Treasurer.

CHAPTER

CHAPTER 85.

An Act respecting the Hart Almerrin Massey Trust
and the Methodist Union of Toronto.*Assented to 26th March, 1918.*

Preamble.

WHEREAS by trust deed dated the 5th day of June, 1894, the late Hart Almerrin Massey conveyed to the trustees, named in said deed, certain property described in schedule No. "A" hereto, known as the Fred Victor Mission, to be held in trust for religious and charitable work as provided in said trust deed; and whereas certain other properties in the City of Toronto, likewise described in the schedule hereto, have, at different times, subsequent to the said trust deed, been conveyed to the trustees under the said deed, to be held by them on the like trusts, and all said lands are now so held by the present trustees, Chester Daniel Massey and Bartle Edward Bull, under the terms of the said deed; and whereas The Methodist Union of Toronto, a body corporate without share capital incorporated for the purpose of carrying on religious and charitable work in the City of Toronto, has since its incorporation on the 14th day of November, 1912, with the approval and at the request of the said trustees, been in actual control of the said trust properties and has been carrying out all the terms of the said trusts connected therewith; and whereas the said trustees now desire to transfer all the said lands to the said Methodist Union of Toronto, subject to the said trusts, and to appoint the said Methodist Union of Toronto sole trustee under the said trust deed, and the said parties have entered into an agreement to the said effect bearing date the 2nd day of February, 1917; and the said parties have by their joint petition prayed for the passing of an Act validating, confirming and effectuating the said agreement; and whereas some doubt has been expressed in regard to the legality of certain proceedings connected with the adoption of the constitution and by-laws of the said Methodist Union of Toronto, and the said corporation has in the said petition prayed for the passing of an Act validating and confirming the said constitution and by-laws and all its acts and proceedings in accordance therewith; and whereas it is deemed expedient to grant the prayer of the said petition:

Therefore

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement made between Chester Daniel Massey and Bartle Edward Bull, present trustees, under the trust deed of the late Hart Almerrin Massey, dated the 5th day of June, 1894, and the Methodist Union of Toronto, which agreement is dated the 2nd day of February, 1917, and is set out in full in schedule "A" hereto, is hereby ratified, validated and confirmed.

Agreement
set out in
Schedule
"A" con-
firmed.

2. The said trustees are hereby authorized and empowered to grant and convey to the said Methodist Union of Toronto all the lands and premises mentioned and described in the said agreement and all properties and assets whatsoever in their possession or control as such trustees, subject to the terms of the said trust deed, and to do all other acts and things required to fully and completely carry out the provisions and intentions of the said agreement; and upon completion of the said conveyances and other acts and things required, the said trustees are hereby released and discharged from their office of trust and from all liabilities and obligations in connection therewith.

Conveyance
by trustees
to Methodist
Union.

3. The said Methodist Union of Toronto is hereby constituted and appointed sole trustee under the said trust deed with power and authority to receive and hold, dispose of or deal with the said lands and properties and all other lands or properties that may hereafter be conveyed or transferred to the said corporation, subject to all the terms and conditions of the said trust deed, with all the powers, rights, privileges and obligations, discretionary or otherwise, as provided in the said trust deed.

Union to be
sole trustee.

4. The constitution and by-laws of the said Methodist Union of Toronto, as set out in schedule "B" hereto, and all acts and proceedings of the said Methodist Union of Toronto since the incorporation thereof done under and by virtue of and in accordance with the constitution and by-laws of the said corporation, are hereby validated and confirmed.

Constitution
and by-laws
confirmed.

SCHEDULE "A"

This agreement made in triplicate this second day of February, One Thousand Nine Hundred and Seventeen.

Between

Chester Daniel Massey and Bartle Edward Bull, Trustees, hereinafter called "The Trustees," of the first part,

and

The Methodist Union of Toronto, hereinafter called "The Union," of the second part.

Whereas by a certain trust deed bearing date the fifth day of June, 1894, Hart A. Massey and Eliza A. Massey, his wife, did grant and convey to the said Chester D. Massey, Walter E. H. Massey and Lillian F. Massey, as trustees, certain lands and premises in the said City of Toronto, therein and hereinafter described, together with the building erected thereon, upon the trusts and subject to the provisions therein fully set out, as a memorial of his youngest son, Frederic Victor Massey, the said lands and premises to be devoted to religious and charitable uses, for the work usually known as mission work;

And whereas certain other lands and premises in the said City of Toronto have been subsequently, from time to time, conveyed to the trustees under the said deed, for similar uses, and subject to the said trusts and provisions, which said lands and premises are hereinafter fully described;

And whereas the said parties of the first part are the surviving and duly appointed present trustees under the said deed;

And whereas the said Methodist Union of Toronto, the party hereto of the second part, has been for some time, and is now with the consent and approval of the trustees carrying on the religious and charitable work, as provided for in the said trust deed, in the buildings erected on the said lands;

And whereas the said trustees have deemed it expedient and advisable, in the interest of the said religious and charitable work and for the due carrying out of the intention and objects of the grantor in the said deed, to transfer and convey all the said properties, so held by them, to the said union;

And whereas the said union has agreed to accept the said transfers, and to carry out and administer the said trusts as provided in the said deed;

And whereas doubts have been expressed as to the powers of the said trustees to make valid transfers of the said properties, subject to the said trusts, to the said union, and also of the powers of the said union to accept and hold the same, and the said parties have agreed to apply to the Legislative Assembly of the Province of Ontario, for an Act authorizing such transfer to be made and ratifying and confirming this agreement:

Now this indenture witnesseth that in consideration of the premises, and of the sum of one dollar (\$1.00) now paid by the said party of the second part to the said parties of the first part, the receipt whereof by them is hereby acknowledged, they, the said parties of the first part, covenant and agree with the said party of the second part to grant, transfer and convey to the

said

said party of the second part, the lands and premises described in the schedule hereto annexed, marked "A" and referred to therein as parcels one, two, three, four and five, at the times and upon the following terms and conditions, namely:

1. The said lands and premises shall be so transferred and conveyed, by the said trustees to the said union, by good and sufficient deeds upon the trusts set out in the said trust deed and the title thereto vested in the union and upon the authorization and confirmation of this agreement by the said Legislative Assembly and the coming in force of the said Act.

2. The said union hereby consents and agrees to be constituted trustee under the said trust deed in the place and stead of the present trustees thereof and to act as such trustee, with all the duties, powers, rights, privileges and obligations, discretionary and otherwise, as set forth in the said deed, and shall hold the said lands subject thereto.

3. The said trustees, parties of the first part, shall, upon completion of such transfers, be released and discharged from their offices of trust, and from all liabilities, obligations, claims and demands, accruing, or in any way arising under the terms or conditions of the said trust deed, or the trusts therein comprised, and the said union shall indemnify and save harmless the said trustees from the same.

4. The said union shall have full power and authority to enter into any contract for the sale and conveyance of said lands, as provided in the said trust deed, whenever in its discretion it may appear advisable so to do and to give and execute good and sufficient deed or deeds therefor, and to apply the proceeds of the said sale or sales as therein provided.

5. The said union shall not have the power to mortgage or otherwise encumber the said properties, or any part thereof and the said properties shall not, under any circumstances, become liable for or chargeable with any debts or liabilities of the said union.

6. The said parties hereto hereby direct and authorize an application to be made to the Legislative Assembly of the Province of Ontario for an Act validating and confirming this agreement and authorizing the transfer of properties herein provided for.

7. This agreement shall be taken and construed as applying to the parties hereto, their heirs, executors, administrators, successors and assigns, respectively.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered
in the presence of
T. E. ROBERTSON.

C. D. MASSEY,
(Seal.)
B. E. BULL.
(Seal.)

FOR THE METHODIST UNION OF TORONTO.

G. H. WOOD,
President.

(Seal.)

S. W. DEAN,
General Secretary.

SCHEDULE

SCHEDULE "A" REFERRED TO IN THE ANNEXED AGREEMENT.

Parcel I. All and singular that certain parcel or tract of land and premises situate, lying and being on the south-easterly corner of Queen and Jarvis Streets in the City of Toronto, and which may be better known and described as follows: Commencing at the south-easterly angle of Queen and Jarvis Streets aforesaid; thence north seventy-four (74) degrees east along the southerly limit of Queen Street forty-four feet two inches (44 ft. 2 in.) more or less to the intersection with the said southerly limit of Queen Street of the easterly face of the easterly wall of the building erected by the party of the first part (the said Hart Almerin Massey) on the lands hereby conveyed; thence in a southerly direction along the easterly face of the said wall one hundred and two feet (102 ft.); thence south seventy-four (74) degrees west parallel to the southerly limit of Queen Street forty-four feet four and one-half inches (44 ft. 4½ in.) to the easterly limit of Jarvis Street; thence north fifteen (15) degrees fifty-five (55) seconds west along the easterly limit of Jarvis Street one hundred and two feet (102 ft.) to the point of commencement.

Parcel II. All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York, and being composed of part of lot number two (2) on the south side of Lot Street now Queen Street in the said City of Toronto, which said lot, piece or parcel of land is butted and bounded or may be otherwise known as follows, that is to say: Commencing on the south side of Lot now Queen Street and at the distance of forty-three and one-half feet (43½ ft.) easterly from New Street, now Jarvis Street, thence south sixteen (16) degrees east one hundred and two feet (102 ft.) more or less; thence north seventy-five (75) degrees east thirty-nine feet (39 ft.); thence north sixteen (16) degrees west one hundred and two feet (102 ft.) more or less to Lot Street, now Queen Street; thence south seventy-four (74) degrees west thirty-nine feet (39 ft.) more or less along the south side of Lot Street, now Queen Street, to the place of beginning, together with the use of that part of the lands lying immediately to the east of the lands hereby conveyed, included in the "gateway" leading from Queen Street having a frontage on Queen Street of four feet six inches (4 ft. 6 in.) and extending the same width the full depth of the lot and subject to a right-of-way over that part of the said gateway which is situate upon the said lands hereby conveyed being the easterly four feet six inches (4 ft. 6 in.) thereof.

Parcel III. All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York, being composed of lot number one hundred and four (104) on the east side of Homewood Avenue according to plan filed in the Registry Office for the Eastern Division of the City of Toronto as plan "D 30."

Parcel IV. All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York, and Province of Ontario, being composed of parts of park lots number nine (9) and ten (10) on the west side of Yonge Street and the whole of lot number twenty-two (22) and part of lot number forty-two (42) on the east side of Teraulay Street according to registered plan number sixty (60), described as follows: Commencing at a point in the northerly limit of Elm Street where it is intersected by the easterly limit of Teraulay Street; thence easterly along the northerly limit of Elm Street seventy feet (70 ft.); thence northerly in a line parallel with the easterly limit of Teraulay Street one hundred and fifty feet (150 ft.) more or less to land reserved for a lane; thence westerly parallel

parallel with Elm Street seventy feet (70 ft.) to the easterly limit of Teraulay Street; thence southerly along the easterly limit of Teraulay Street one hundred and fifty feet (150 ft.) more or less to the place of beginning, together with the right-of-way in common with the party of the first part (the District Union of Toronto of the Woman's Christian Temperance Union) and others entitled thereto in, over and upon a certain lane sixteen feet (16 ft.) in width lying to the north of and adjoining the lands hereby conveyed and leading eastward from Teraulay Street aforesaid.

Parcel V. All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, being composed of part of the gore in front of park lot number six (6) fronting on the east side of Jarvis Street and is butted and bounded as follows: Commencing on the east side of Jarvis Street at the distance of one hundred and two feet (102 ft.) in a southerly direction from the south-east corner of Queen and Jarvis Streets; thence southerly along the easterly limit of Jarvis Street thirty-three feet and two inches (33 ft. 2 in.); thence easterly at right angles with Jarvis Street one hundred and thirty feet and six inches (130 ft. 6 in.) to a fence; thence northerly parallel with Jarvis Street thirty-three feet and two inches (33 ft. 2 in.); thence westerly in a straight line one hundred and thirty feet and six inches (130 ft. 6 in.) to the place of beginning.

In the matter of the application to the Legislative Assembly of Ontario for a Private Bill by Chester Daniel Massey and Bartle Edward Bull, Trustees, and the Methodist Union of Toronto.

We, the President of the Toronto Conference of the Methodist Church, the Secretary of the Missionary Society of the Methodist Church and the Secretary of the Educational Society of the Methodist Church, hereby give our consent to and approval of all the provisions of the agreement entered into between Chester D. Massey and Bartle Edward Bull and The Methodist Union of Toronto, bearing date the second day of February, 1917, hereto annexed and to the appointment of the said Methodist Union of Toronto, as new trustee under the deed referred to in the said agreement.

Dated the 22nd day of January, 1918.

G. W. ROBINSON,

President of Toronto Conference of Methodist Church.

JAMES ALLEN,

General Secretary of the Missionary Society of the Methodist Church.

J. W. GRAHAM,

Secretary of the Educational Society of the Methodist Church.

SCHEDULE "B"

CONSTITUTION AND BY-LAWS OF THE METHODIST UNION
OF TORONTO.

I.—MEMBERSHIP.

The union shall consist of the first directors, together with the following officials, ministers and representatives of the Methodist Church, namely:

The general superintendents; the president of the Toronto Conference; the chairmen of the Toronto districts; the secretary of the Home Department of the Missionary Society; the secretary of the Department of Social Service and Evangelism; all past presidents of the Toronto City and Fred Victor Mission Society and of the Methodist Social Union; all ministers in the active work in Toronto and suburbs, one lay representative from each church in Toronto and suburbs, who shall be elected annually by the quarterly official board of such church, and such honorary members as the union may appoint, together with all adult members of the Methodist Church, who shall be contributors annually of \$1.00 and upwards to the funds of the union.

II.—LAPSE OF MEMBERSHIP.

The interest of a member in the union shall not be transferable, and shall lapse and cease to exist when such member shall cease to be a member of the union by death, resignation or otherwise, in accordance with the by-laws and regulations from time to time in force.

III.—OBJECTS AND POWERS.

The objects of the union shall be to carry on city mission, social service and church extension work in Toronto and its suburbs in accordance with the present and any future regulations made by the General Conference of the Methodist Church, and without limiting the foregoing, the objects shall be the following, namely:

(a) To take charge of all mission and social service work in the City of Toronto and suburban districts;

(b) To foster the connexional spirit and promote the spiritual and temporal welfare of our churches and missions;

(c) To give financial assistance to new and weak churches and missions;

(d) To advise in the selection of sites for new churches, so as to avoid overlapping of circuits, etc.;

(e) To provide for preaching the gospel and organizing Sunday schools in sections of the city and suburbs where regular churches are not established;

(f) To acquire by purchase, gift, leasing or otherwise, any lands, buildings, or personal effects required for the purpose of the union, to mortgage, and to hold or dispose of the same at its discretion, to receive bequests, donations, and subscriptions, and apply the same for the purposes aforesaid, and to establish and maintain a relief fund for the purpose of assisting churches within the limits of the Toronto Districts of the Toronto Conference of the Methodist Church; and all property so acquired shall be held in trust for the purposes above set forth.

IV.—DIRECTORS.

The following shall be the first directors of the union and the first committee of management, namely:

Chester Daniel Massey, William Laird Armstrong, Alexander Mills, Edmund Harley, George Harry Parkes, Robert Corrigan Hamilton, Charles David Daniel, John James Redditt, James Albert Rankin, John Donogh, Bartle E. Bull.

V.—ANNUAL MEETING.

The annual meeting of the union shall be held in Toronto in each year in the month of May, or at such other time as the board of directors may fix, for the purpose of receiving reports and generally directing the business of the union.

VI.—BOARD OF DIRECTORS.

The committee of management shall be known as the board of directors, and shall be composed of:

- (a) The general superintendents of the Methodist Church;
- (b) The president of the Toronto Conference;
- (c) The secretary of the Home Department of Missions;
- (d) The secretary of the Department of Social Service and Evangelism;
- (e) Two representatives of the Toronto Conference Branch of the Women's Missionary Society;
- (f) The chairmen of the Toronto districts;
- (g) The first directors of the union who may be resident in the Toronto districts of the Toronto Conference;
- (h) The general secretary, who shall be appointed by the board of directors; and

Twenty-six members to be elected annually by the union, of whom 9 shall be ministers in the active work, stationed in the Toronto districts, and 17 lay members.

The board of directors shall exercise all the powers vested in the union by the charter and by the discipline from time to time, and shall have general supervision of the affairs of the union.

VII.—OFFICERS.

(a) The officers of the union shall be a president, three vice-presidents, a treasurer, all of whom shall be elected by the board of directors from its own members at its first meeting after the annual meeting; and a general secretary, who shall be appointed by the board of directors;

(b) The board of directors shall have power to appoint such assistant secretaries and treasurers as may be deemed necessary, and to prescribe their duties, and such appointees shall be officers of the union.

VIII.—CONSTITUTION AND BY-LAWS.

The board of directors shall have power to make such by-laws, rules, and regulations as they may consider necessary for the carrying out of the objects of the union and defining the duties of its officers and from time to time to alter, amend and repeal the same, subject to a two-thirds vote of the members present at any regular meeting.

IX.—VACANCIES.

Any vacancies occurring among the elective officers or the elective members of the board of directors shall be filled by the board of directors from members of the union, and such members shall hold office until their successors are appointed.

X.—QUORUM.

1. Twenty-one members shall constitute a quorum at any meeting of the union.

2. Eleven members shall constitute a quorum at any meeting of the board of directors.

3. Committees may, by resolution, fix the number necessary for a quorum.

XI.—MEETINGS IN ADDITION TO THE ANNUAL MEETING.

1. The board of directors shall meet on the second Tuesday in each month, excepting July and August, or such other time as the board of directors may fix.

2. A written or printed notice shall be sent to each member of the board of directors, at least two days in advance of any regular or special meeting, except in case of emergencies.

3. Special meetings of either the board of directors or of the union may be called at any time by the president at his discretion; or when required to do so, upon a written application of five members of the board of directors.

4. All meetings of the union shall be called by notices sent to the Methodist pastors of city for announcement in the Methodist churches and by such other means as may be deemed wise by board of directors.

XII.—COMMITTEES.

1. The board of directors shall, at its first meeting after election, appoint the following standing committees:

(a) On city mission work, composed of at least 21 members;

(b) On church extension and relief, composed of at least 21 members;

(c) On down-town churches, composed of at least 11 members;

(d) On finance, composed of 11 members;

(e) On Festival of the Lilies, composed of 11 members;

(f) On buildings and repairs, composed of 5 members;

(g) Social committee, composed of 11 members.

Committees shall have power to add to their numbers, but any names added shall be reported to the board of directors.

2. Committee on city mission work shall have supervision of all missions, Sunday schools, hospital, social service and other educational and institutional work.

3. The committee on church relief and extension shall deal with all applications for assistance by loan or donation, presented by the Methodist churches in Toronto and suburbs, advise in regard to

to removal or erection of churches, shall seek and take necessary steps towards securing new sites for churches and shall co-operate with mission committee in organizing new Sunday schools and mission appointments.

4. The committee on down-town churches shall represent the union in its relation to down-town churches receiving or applying for assistance from the union. It shall have power to arrange with such churches for proper control in financial matters and pulpit supply, and shall make enquiry and report at least once each year as to conditions obtaining therein, making such recommendations to the union as may be regarded necessary or expedient. It shall also have power to negotiate and arrange with stronger churches for effective leadership and co-operation and support of those that are weaker.

5. The committee on finance shall prepare annually, in April of each year, a budget covering the estimated receipts and expenditures for the ensuing year and shall submit the same to the regular meeting of the board of directors, and shall take the necessary steps to provide funds for carrying on the work of the union, shall recommend appropriations for the various departments of the work, and see that all properties of the union are adequately insured. Shall supervise the loan fund of the union and generally shall have the oversight of the financial affairs of the union.

6. The committee on Festival of the Lilies shall have charge of the annual concert to be held on Easter Monday of each year.

7. The committee on buildings and repairs shall have the oversight of all the buildings or other property owned or controlled by the union.

The committee shall arrange for the regular inspection of all buildings and property, supervise the erection of all new buildings, and recommend any repairs that may be necessary.

In cases of emergency the committee shall have power to protect the property of the union.

8. The social committee shall have charge of all banquets, receptions, public meetings, or other social functions that may be held under the auspices of the union.

9. The board of directors may appoint such other committee as may be found necessary, and may delegate to all committees such powers as may be permissible under the laws of the union.

10. All committees shall make reports in writing at the regular meeting of the board of directors.

XIII.—DUTIES OF OFFICERS.

1. The president shall preside, if present, at all regular or special meetings of the union, and the board of directors, and shall be *ex officio* a member of all standing committees.

He or one of the officers shall sign, in conjunction with the treasurer or his attorney, duly authorized, all cheques, promissory notes or other obligations authorized by the board of directors.

2. In the absence of the president one of the vice-presidents shall act in his stead. If no vice-president be present the meeting may elect a member to preside.

3. The general secretary shall have charge of the minutes and records of the union and of the seal of the union, and of all title deeds and papers relating to property of the union.

He

He shall cause records to be prepared and preserved of all meetings of the union and the board of directors.

He shall cause notices to be issued of all meetings of the union and the board of directors. He shall be *ex officio* a member of all standing committees.

4. The treasurer shall generally supervise the receipts and expenditures of the union and shall be the custodian of its funds. He or his attorney shall, in conjunction with the president or one of the officers, sign all cheques, promissory notes and other obligations authorized by the Board of Directors. He shall be *ex-officio* a member of all standing committees.

5. The assistant and special officers shall perform such duties as may be prescribed by the board of directors.

6. Officers having the custody of funds may be required to furnish security by bonds as the board of directors may direct, the cost of such bonds to be borne by the union.

7. Documents requiring the seal of the union shall be attested by the signatures of the president or one of the vice-presidents and the general secretary.

XIV.—SUPERINTENDENTS AND AGENTS.

1. The board of directors shall have power to appoint or employ such superintendents, missionaries, teachers or other agents as may be necessary for carrying out the objects of the union, and shall fix the salaries respectively.

2. The respective standing committees shall have power to engage such caretakers or employees as may be necessary and fix their salaries subject to report to and confirmation by the board of directors.

XV.

The union shall present at each annual session of the Toronto Conference a certified copy of the last published report of its operations and also a statement showing all real estate acquired or disposed of during the preceding year.

XVI.—ORDER OF BUSINESS.

At all meetings of the board of directors of the union the following shall be the order of business:

1. Devotional exercises.
2. Reading and consideration of minutes of previous meeting.
3. Business arising out of the minutes.
4. Reading and considering correspondence.
5. Reports of officers, reports of standing committees, reports of special committees.
6. New business.
7. Adjournment.

GENERAL REGULATIONS.

The board of directors have recommended that the following regulations concerning the general policy and the loan fund of the Methodist Union be printed with the constitution.

I.—Policy.

1. Not to make donations towards the building of new churches.
2. To acquire new sites at such points as may be deemed advantageous for the location of Methodist churches in the future, such sites to be purchased on the best terms that can be obtained and to be held in trust for the purpose of Methodism in Toronto and suburbs.
3. That the union, by virtue of the provision of its charter, has both the power and the right to dispose of such sites if at any time it is deemed advisable to do so.
4. That wherever a congregation has been organized on a site owned by the union, and desires to withdraw from the control of the union, they shall make a formal application in writing to that effect in which case the union may convey to a properly constituted board of trustees, the title to such property at a price to be agreed upon. In all cases all obligations of the union in respect to such property shall be assumed by such board of trustees.
5. That no architect shall be employed or plans obtained for the erection of buildings on any site owned by the union without the expressed approval of the union, both as to the architectural design and the financial arrangements.
6. No loan shall be made to any church out of the loan fund until after the union shall have approved of the building plans nor until the ability of the church to successfully complete its enterprise has been demonstrated to the satisfaction of the union by a substantial list of subscriptions to the building fund.

*II.—The Loan Fund.**(a) The purpose of the fund shall be:*

1. To loan without interest for the purchase of new sites to either the trustees of new causes or the Methodist Union.
2. To loan for the purposes of assisting in the erection of buildings on sites already acquired.
3. To loan to churches seriously encumbered, but only on condition that the church so assisted shall contribute at least an amount equal to the amount of the loan.

(b) Conditions:

1. No loan to be for more than ten thousand dollars, and that only under very special circumstances.
2. All loans, unless otherwise provided, to be repayable in instalments to begin within two years from the time the loan is made, and if possible to be completed within the five years' period.
3. All loans to be for a period not exceeding five years.
4. No issue of loan funds shall be made without specific provision being made for the return of the same.
5. Interest chargeable on all overdue amounts.

6. All loans shall be secured by mortgages and personal covenant of trustees of the churches requiring same, or such other equivalent as shall amply protect the interests of the loan fund.

BY-LAW No. XVII.

A by-law authorizing the directors to borrow money.

Whereas it is deemed expedient that the directors of the Methodist Union of Toronto should be authorized to borrow money from time to time on the credit of the Corporation and to secure the same by mortgage or otherwise:

Now, therefore, be it enacted, and it is hereby enacted, that the directors of this corporation, otherwise known as committee, are hereby authorized and empowered to borrow money on the credit of the corporation from time to time, in such amounts and to such extent as they may, in their discretion, see fit, and shall settle and determine the terms and conditions upon which the said moneys shall be borrowed and repaid, with full authority to bind and obligate the corporation in connection with all acts and things done by the said directors in connection with any and all of such moneys so borrowed; the said directors are also authorized and empowered to hypothecate, mortgage or pledge all or any real or personal property, or rights and powers of the corporation to secure payment of any such money or moneys so borrowed from time to time; and to issue bonds, debentures or other securities of the corporation and to sell or pledge the same to raise money for the purposes of the corporation and to hypothecate, charge or mortgage any or all of the real or personal property of the corporation to secure payment of the same;

And it is further enacted that the powers conferred to the directors by this by-law shall extend to all future directors and shall apply to all future funds borrowed or to be borrowed upon the credit of the corporation or for the purposes thereof and to all present and future indebtedness and liabilities of the corporation and to all the present and future property and assets of the corporation, whether specifically mentioned in this by-law or not;

It is further enacted that all such mortgages, bonds, debentures or other securities shall be executed in the name of the corporation with the corporate seal attached, attested by the signature of the president and general secretary of the corporation, and when so executed shall be valid and binding upon the corporation, and it shall not be incumbent on any purchaser, mortgagee or other person dealing with the corporation in respect thereof to further enquire in regard to the regularity or validity of any proceedings of the corporation in connection therewith.

Passed at meeting of directors this 18th day of December, 1917.

THE METHODIST UNION OF TORONTO.

Per G. H. WOOD,
President.

(Seal)

S. W. DEAN,
Secretary.

I, SAMUEL WESLEY DEAN, of the city of Toronto, General Secretary of the Methodist Union of Toronto, hereby certify that annexed hereto and marked exhibit "A" are true copies of the constitution and by-laws of the said Methodist Union of Toronto.

Dated this 23rd day of January, 1918.

(Seal)

S. W. DEAN.

CHAPTER

CHAPTER 86.

An Act respecting the Estate of the late
Richard Stubbs.*Assented to 26th March, 1918.*

WHEREAS by an Act of the Legislature of Ontario, Preamble. chapter 107 of 57 Victoria, the person or persons or corporation from time to time legally administering the estate of Richard Stubbs, late of the City of Toronto, deceased, or being trustee or trustees of the said estate, were enabled and empowered to give and grant good and valid leases of the lands by the will of the said Richard Stubbs, devised or of any part thereof, upon the terms and conditions set forth in the said Act; and whereas by a lease dated the 11th day of December, 1895, Alexander King and Hugh Yorston, the surviving executors of the will of the said Richard Stubbs, demised and leased to the T. Eaton Company, Limited, of the City of Toronto, the lands described in Schedule "A" hereto, for a term of twenty-five years from the first of January, 1896; and whereas by a further Act of the Legislature of Ontario, being chapter 79 of 61 Victoria, the above in part recited lease was amended by the addition of Harry Garland Stubbs, life tenant under the said will, as one of the lessors therein and certain other provisions were enacted as to the said lease and the powers and rights of the parties as in said Act set out; and whereas Geoffrey Teignmouth Clarkson, of the City of Toronto, Accountant, and Allan Henry Royce, of the City of Toronto, Barrister, are at present the duly appointed trustees of the said estate; and whereas the said The T. Eaton Company, Limited, is desirous of obtaining a further lease for twenty-four years from the first of January, 1918, and the trustees and the said Harry Garland Stubbs are desirous of granting such lease notwithstanding that the term of the old lease is still unexpired; and whereas the parties have agreed, subject to the approval of the Legislature, to execute the lease, Schedule "A" hereto; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Powers of trustees.

1. The said Geoffrey Teignmouth Clarkson and Allan Henry Royce as such trustees as aforesaid and the said Harry Garland Stubbs are hereby enabled and empowered to give and grant the said lease set out in Schedule "A" hereto.

Leases.

2. The trustees for the time being of the estate of the said Richard Stubbs may execute any renewal lease provided for by the said lease in Schedule "A" and may exercise all and any of the powers therein provided and stipulated for.

Mortgages.

3. The said trustees shall also have power to mortgage the said lands or any part thereof, and the said buildings, for the purpose of purchasing the buildings erected on the said lands and premises, or any part thereof, the money borrowed on such mortgage or mortgages to be applied toward the payment for such buildings.

Payment of rent to Harry Garland Stubbs.

4. Payment of the rent reserved in and by the said lease to the said Harry Garland Stubbs during his life time shall for all purposes be deemed and taken as payment of rent under the said lease and shall be a valid discharge to the lessee and its successors and assigns therefor.

Lease binding on all parties interested in land.

5. The said lease and all stipulations therein contained shall be binding upon all persons now or hereafter claiming any interest in the said land or any part thereof under the will of the said Richard Stubbs in the same way as if each and all of them had been capable of contracting and had contracted as in the said lease may be set forth.

SCHEDULE "A."

This indenture made in triplicate this first day of January, in the year of our Lord one thousand nine hundred and eighteen.

In pursuance of the *Short Forms of Leases Act, The Trustees Act, Statute of Ontario, 1894, 57 Victoria, chapter 106, and Statute of Ontario, 1897, 61 Victoria, chapter 79.*

Between:

Geoffrey Teignmouth Clarkson, of the City of Toronto, in the County of York, accountant; Allan H. Royce, of the said City of Toronto, barrister-at-law, trustees of the last Will and Testament of Richard Stubbs, late of the said City of Toronto, merchant, deceased, and Harry Garland Stubbs, of the said City of Toronto, Esquire, hereinafter called the lessors, of the first part;

and

The T. Eaton Company, Limited, of the said City of Toronto, hereinafter called the lessee, of the second part.

It is hereby provided that the word "lessors" shall include and mean "the lessors, their heirs, executors, administrators, successors and assigns," and that the word "lessee" shall include and mean "the lessee, its successors and assigns," except in cases where the context requires or contemplates a more restrictive meaning.

Witnesseth that in consideration of the yearly rent and of the covenants, provisions and conditions hereinafter reserved and contained and on the part of the lessee to be paid, observed and performed, the said lessors have demised and leased and let and by these presents do demise and lease and let unto the said lessee, its successors and assigns all and singular those certain parcels or tracts of land and premises situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, being composed of Parcels "A" and "B" hereinafter described as follows: Parcel "A"—being composed of the easterly part of Lot Number Two (2) or Six (6) on the north side of Queen Street (formerly called Lot Street) as shown on a plan filed in the Registry Office for the said City as Number "Six A" (6 A) and which said parcel "A" may be more particularly described as follows: Commencing at a point in the northerly limit of Queen Street aforesaid distant two (2) chains fifty (50) links more or less measured westerly along the same from the westerly limit of Yonge Street, said point being the existing south-easterly angle of said Lot Two (2) or Six (6); thence north sixteen degrees west along the existing easterly limit of said lot one hundred and thirty-two (132) feet one inch more or less to the north-easterly angle of said lot, being at a point distant seven (7) inches west from the brick building standing in 1895 on the property to the east thereof; thence south seventy-three degrees forty-eight minutes west along the northerly limit of said Lot Two (2) or Six (6) fifty (50) feet to the westerly limit of that part of the Stubbs estate having a frontage on Queen Street; thence south fifteen (15) degrees fifty-eight (58) minutes east along the last mentioned limit one hundred and thirty-one (131) feet ten inches to the northerly limit of Queen Street aforesaid; thence north seventy-four degrees east along the last mentioned limit fifty feet two inches more or less to the place of beginning. Parcel "B"—being composed of the southerly part of Lot Number Eight (8) on the east side of James Street as shown on said plan filed in the Registry Office as Number "Six A" (6 A) and which said Parcel "B" is more particularly described as follows: Commencing at a point in the easterly limit of James Street distant one hundred and sixty-four (164) feet six and one-quarter (6¼) inches measured northerly along the same from the northerly limit

limit of Queen Street, said point being in the westerly production of the centre line of an old fourteen inch wall forming the northerly boundary of the dwelling standing in 1895 on the said Parcel "B," said point being also two inches south from the south face of the new brick wall standing in 1895 on the property immediately to the north of said Parcel "B"; thence from said point north seventy-three degrees fifty minutes east to and along said centre line of old wall and continuing along the northerly boundary of that portion of the Stubbs estate fronting on James Street, in all a distance of one hundred and sixty-five (165) feet to the existing easterly boundary of said Lot Eight (8), being distant seven inches west from the brick building standing in 1895 on the property to the east thereof; thence south sixteen (16) degrees east along the said easterly boundary thirty-three (33) feet one and one-quarter ($1\frac{1}{4}$) inches to the southerly limit of said Lot Eight (8); thence south seventy-three (73) degrees forty-six (46) minutes west along the last-mentioned limit to and along the northerly face of the northerly wall of the building now standing on the land immediately south of the said Parcel "B," in all a distance of one hundred and sixty-five (165) feet to the easterly limit of James Street aforesaid; thence northerly along the last-mentioned limit thirty-three (33) feet three and one-quarter ($3\frac{1}{4}$) inches more or less to the place of beginning. To have and to hold the said pieces or parcels of land and premises hereby demised or intended so to be and every part thereof with their and every of their appurtenances subject as aforesaid unto the lessee, its successors and assigns from the first day of January, A.D. 1918, for and during the full end and term of twenty-four years, to be computed from the first day of January in the year of our Lord one thousand nine hundred and eighteen and from thence next ensuing and fully to be complete and ended subject nevertheless to the provisoes, conditions and agreements herein contained, yielding and paying therefor yearly and every year during the said term hereby granted unto the lessors the clear yearly rent or sum as follows: Seventeen thousand five hundred dollars (\$17,500) of lawful money of Canada, payable by even and equal half-yearly payments of eight thousand seven hundred and fifty dollars (\$8,750) each on the first days of January and July in each and every year during the said term without any deduction, defalcation or abatement whatsoever, and free from all rates, taxes and impositions whatsoever, either local or parliamentary and either now or hereafter to be rated, assessed or imposed upon the said lands and premises hereby demised or intended so to be or any part thereof including buildings and improvements thereon, the first of such half-yearly payments of rent to become due and be made on the first day of July in the year of our Lord one thousand nine hundred and eighteen.

The lessee covenants with the said lessors

- (1) To pay rent;
- (2) To pay all rates, taxes and impositions as above referred to including all rates and assessments of every nature and kind;
- (3) That the lessee will not assign, without the consent of the lessors, who will not unreasonably withhold such consent;
- (4) That the lessee will not carry on on the said premises any business or occupation which may be deemed a nuisance;
- (5) That the lessee will not remove or tear down or otherwise interfere with the buildings or erections now on the demised premises until it shall have given security satisfactory to the lessors in the value of the said buildings or erections, that new buildings of equal value shall be forthwith erected and completed and that upon the expiration of this lease the lessee will leave on the property a self-contained building equal in value to the buildings at present erected on the lands;

(6) That the lessee will insure the buildings to be erected on the ground hereby demised or any substitute or substitutes of the said buildings in a sum not being less than fifty thousand (\$50,000) and will keep the same so insured during the said term hereby granted and any renewal thereof and upon request of the lessors will produce the name of the insurance company to them or either of them for information, and that in the event of any default taking place in so insuring, that the lessors may insure the said buildings in a sum not to exceed fifty thousand dollars (\$50,000), according to the terms of this lease and charge or collect with the next payment of rent all sums of money disbursed by them in so insuring the said buildings as rent in arrear together with interest at six per cent. thereon from the date of payment thereof by them or either of them.

(7) That the lessee will, during the said term hereby granted and any renewal thereof (if any) as often as the buildings to be erected on the ground hereby demised shall be burnt down, destroyed or damaged by fire, forthwith reinstate same and expend the moneys received from such insurance company or companies or a sufficient portion thereof in so doing so that there shall be on the said premises fully completed buildings of the description aforesaid and of at least the value of the buildings at present erected on the said premises;

(8) That the lessee will renew this lease as herein provided upon being notified by the lessors as herein provided.

(9) That upon leaving the premises the lessee will leave them in the same state of repair as they are in at the time of making the valuation or award by the valuers herein referred to, reasonable wear and tear thereafter only excepted.

Proviso for re-entry by the said lessors on non-payment of rent or non-performance of covenants.

Provided that the lessors shall at the expiration of the term of twenty-four years hereby demised, or at the expiration of the renewal (if any) of this lease, as they may decide, pay the lessee the value of the buildings then being and standing on the said premises, such value not to exceed however the sum of sixty thousand dollars (\$60,000), and if they cannot agree as to the value thereof, the same shall be determined by valuation as follows: Three disinterested persons shall be appointed not less than nine months before the determination of the term hereby demised and renewal (if any) thereof, as the case may be, and shall be the valuers between the parties interested on the one side as lessors and on the other side as lessees.

All parties interested as lessors shall together appoint one valuator to represent them, and all parties interested as lessees shall together appoint one valuator to represent them, and notice of the names and addresses of such valuers shall forthwith be mutually given, and such two valuers shall within two weeks after the appointment of the last of them appoint a third valuator, and the valuation or award of such three persons, or the majority of them, as to the value up to said \$60,000 of the said buildings shall be binding and conclusive on all parties concerned and shall be published and delivered by them to the parties in difference within thirty days next after the appointment of the said three valuers however appointed. Should such two first-named valuers, within two weeks after being required so to do, fail to appoint a third valuator, then any Judge of His Majesty's Supreme Court of Judicature for Ontario may, on the application of either of the parties, upon six clear days' notice to the other of said parties, appoint the third valuator, and the decision or award of the said valuers or the majority of them shall be binding and conclusive as aforesaid on all concerned.

Should either party refuse or neglect to appoint a valuator who shall act on his behalf in valuing the said premises within twenty days

days after notice in writing for that purpose shall have been properly served on such party or parties, his or their successors, executors, administrators or assigns, then any Judge of His Majesty's Supreme Court of Judicature for Ontario may, on the application of either of the parties, upon six clear days' notice to the other, appoint such valuator, and such two valutors shall within two weeks appoint a third valuator, provided however that the lessors may, within two weeks after receipt by them of notice in writing on behalf of the lessee of the appointment of a valuator on its behalf to value the said buildings, notify in writing the lessee that they intend, instead of proceeding to value said buildings, to renew the said lease for a further term of twenty-one years instead of then paying for said buildings, and upon the giving by the lessors of said notice in writing, it shall not be necessary to proceed with the valuation to value said buildings, but the lessors and lessee shall then renew the said lease in pursuance of said notice. If the lessors shall not have notified the lessee as herein provided that they intend to renew the said lease, but shall have joined with the lessee in valuing the said buildings and a valuation or award shall have been made, the lessors may within one month after the publication to them of the said valuation or award, notify the lessee in writing that they intend to renew the said lease for a further term of twenty-one years instead of then paying for the said buildings, and the lessors and lessee shall then renew the said lease in pursuance of said notice. The lessors shall in such case repay to the lessee such of the costs, charges and expenses incurred by him connected with the said valuation as shall not exceed the sum of five hundred dollars, which shall be the outside liability of the lessors to the lessee in respect thereof.

After notification by the lessors to the lessee that they intend to renew the said lease, the rent to be paid to them by the lessee for each year of the renewal term of twenty-one years shall, if the lessors and lessee have not agreed upon the same within one week after the service of the said notice, be determined by valuation by valutors appointed in the same manner as is hereinbefore provided for the appointment of persons to determine the value of the buildings on the premises.

Each valuator appointed pursuant to the terms of this lease or renewal (if any) thereof, shall be appointed in writing under the hand and seal of the person or persons authorized to appoint a valuator and shall, before commencing to value, declare in pursuance of *The Canada Evidence Act* or in other lawful manner, before some person qualified to take such declaration that he will faithfully and impartially perform the duty for which he is appointed.

Each valuation or award made pursuant to the terms of this lease or renewal (if any) thereof, shall be made in writing and signed by the valutors making same within one month from the day of the date of the appointment of the third valuator unless otherwise agreed upon by the parties to these presents.

Every valuation or award made in writing by a majority of three valutors properly appointed pursuant to the terms of this lease and renewal (if any) shall be binding and conclusive on all parties interested but nothing herein contained shall make lessors liable for more than \$60,000 for said buildings.

Every valuation or award made under and by virtue of this lease or renewal (if any) thereof, as aforesaid, may be enforced as provided by *The Arbitration Act*, Revised Statutes of Ontario, chapter 65.

The renewal lease (if any) shall contain where not inapplicable the like covenants, conditions, provisoes and agreements as are in this lease contained, with such variation as may be necessary to give full effect to the provisions of such lease, but without a covenant

nant for further renewal and shall be prepared at the joint cost of the lessors and lessee and be executed by all necessary parties as soon as reasonably may be after notification as aforesaid given by the lessors to the lessee and ascertainment of the renewal rent.

The expenses of any valuation pursuant to this lease and renewal (if any) shall as far as the fees and expenses of the third valuator and of the valuation or award are concerned, be borne by the lessors and lessee jointly.

The annual rental for such renewal period (if any) shall be that determined by valutors appointed as aforesaid and shall be payable half-yearly on the same days and in the same way as the rent is payable according to this lease, and the lessee shall also pay taxes in the same way as in this lease is provided.

Upon payment of the value of the buildings then being and standing on the said premises as ascertained by the valuation or award of valutors as aforesaid, the lessee shall forthwith give up possession to the lessors or to whom they may appoint, and all buildings and appurtenances therewith connected shall be and become the property of the lessors.

It is agreed that the lessors shall pay or cause to be paid the price or value ascertained as aforesaid of the buildings then being and standing on the said premises to the lessee as follows, namely,—one half thereof within three months after the expiration of the term hereby granted or renewal (if any) as the case may be and the balance thereof within three months thereafter, which said moneys till so paid shall with interest at six per cent. thereon be a charge or lien on said lands in favor of the said lessee, and subject to which the lessors may forthwith take possession of the said demised premises and buildings on the expiration of the term hereby granted or renewal (if any) as the case may be.

The lessee covenants that at the expiration, or sooner termination, of this lease or of the renewal thereof, as the case may be, the buildings hereinbefore referred to, to be left standing on the said premises, shall be self-contained buildings wholly situate on the said premises.

The lessors covenant with the lessee for quiet enjoyment.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of	{	G. T. Clarkson	(S)
		Allan H. Royce	(S)
		Harry G. Stubbs	(S)
		The T. Eaton Co., Limited	
		R. Y. Eaton, 1st Vice President	
		Charles Booth Director	
			(Corp. Seal)

COUNTY OF YORK, } I,
To Wit: } of the City of Toronto, in the County of York,
make oath and say:

1. That I was personally present and did see the within instrument and two duplicates thereof duly signed, sealed and executed by Geoffrey Teignmouth Clarkson and Harry Garland Stubbs, two of the parties thereto.

2. That the said instrument and two duplicates were executed by the said parties at the said City of Toronto.

3. That I know the said parties.

4. That I am a subscribing witness to the said instrument and two duplicates.

Sworn before me at the City of
Toronto, in the County of York,
this day of February, }
A.D. 1918.

A Commissioner, Etc.

COUNTY OF

To Wit: } I,
 } of the
 } in the

of
of
make oath and say:

1. That I was personally present and did see the within instrument and two duplicates thereof duly signed, sealed and executed by Allan H. Royce, one of the parties thereto.

2. That the said instrument and duplicates were executed by the said party at the said

3. That I know the said party.

4. That I am a subscribing witness to the said instrument and duplicates.

Sworn before me at the
of in the }
of this }
day of A.D. 1918. }

A Commissioner, Etc.

CHAPTER 87.

An Act relating to the Estate of George Elias Tuckett, deceased.

Assented to 26th March, 1918.

WHEREAS George Elias Tuckett, late of the City of Preamble.
Hamilton, in the County of Wentworth, Esquire, deceased, by his Will dated the 11th day of November, 1896, appointed James Wilmot Lamoreaux and Harry Blois Witton to be Executors and Trustees thereof, and thereby (amongst other things) devised and bequeathed unto his trustees all his residuary estate upon trust to pay certain annuities, and, upon the death of the testator's two sons, to divide the said residuary estate equally among the grandchildren of the said George Elias Tuckett who shall then be living and shall attain the age of 21 years, subject to the provision that in the event of any of the annuitants surviving the deceased's sons, a sufficient sum, according to the discretion of the Trustees, shall be retained to provide an income equal to all outstanding annuities, the amount withheld to be divided upon the death of the last surviving annuitant among the grandchildren who participated in the former distribution; and whereas the said George Elias Tuckett died on the 19th day of February, 1900, without having altered or revoked his said Will (except by two codicils, one dated the 21st day of September, 1898, and the other dated the 2nd day of February, 1899, which, however, did not alter the mode of disposition of his residuary estate), which was duly proved on the 9th day of April, 1900, by the said James Wilmot Lamoreaux and Harry Blois Witton, in the Surrogate Court of the County of Wentworth; and whereas the said James Wilmot Lamoreaux died on or about the 20th day of September, 1914, and one John James Morrison has been appointed Trustee of the said Will in his place and stead; and whereas the wife of the said George Elias Tuckett predeceased him, and the said George Elias Tuckett left him surviving four children only, namely, George Thomas Tuckett, Elizabeth Virginia Duggan, Adeline Myrtle Lawry (now Adeline Myrtle Thomas), and Charles Paul Tuckett; and whereas one of the said sons, namely, George Thomas Tuckett, died on or about the
29th

29th day of January, 1913, and the other son, the said Charles Paul Tuckett, is still living; and whereas there are now living the following and no other grandchildren of the said George Elias Tuckett, namely George Joseph Tuckett, Blanche Inez Bragg, Phyllis McNeil Fraser, Richard George Duggan, Elizabeth Florence Jacobsen, John William Duggan, Myrtle Virginia Maulson, Thomas Henry Tuckett Lawry, and George Elias Tuckett, the last named being an infant under the age of twenty-one years; and whereas the said George Joseph Tuckett, Blanche Inez Bragg, Myrtle Virginia Maulson and Thomas Henry Tuckett Lawry have by their petition asked that an Act be passed, vesting the residuary estate of the said George Elias Tuckett, deceased, in the aforesaid grandchildren and the unborn grandchildren of the said George Elias Tuckett, deceased, and authorizing the Trustees of said Estate to divide the income of and distribute such residuary estate among the said grandchildren as hereinafter provided; and whereas the said George Joseph Tuckett, Blanche Inez Bragg, Phyllis McNeil Fraser, Myrtle Virginia Maulson, Thomas Henry Tuckett Lawry, Richard George Duggan, Elizabeth Florence Jacobsen, John William Duggan, and the Official Guardian, representing the said infant George Elias Tuckett, and representing also the unborn grandchildren of the said George Elias Tuckett, deceased, have all concurred in and approved of the passing of this Act; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Vesting of
residuary
estate.

1. Subject to the provisions hereinafter contained, the residuary estate of the said George Elias Tuckett shall, by virtue of this Act, be and is hereby declared to be vested in the said George Joseph Tuckett, Blanche Inez Bragg, Phyllis McNeil Fraser, Richard George Duggan, Elizabeth Florence Jacobsen, John William Duggan, Myrtle Virginia Maulson, Thomas Henry Tuckett Lawry, and George Elias Tuckett, and in any grandchildren of the said George Elias Tuckett, deceased, who may hereafter be born, in equal shares.

Distribution
of income
from
residuary
estate.

2. From and after the passing of this Act, and until the distribution of the residuary estate of the said George Elias Tuckett as hereinafter provided, eighty per cent. of the balance of the net annual income arising from such residuary estate, after payment of the annuities and charges provided for in the Will of the said George Elias Tuckett, deceased, shall (subject to the provisions of section 4 hereof), be divided equally amongst the aforesaid grandchildren

dren of the said George Elias Tuckett, deceased, the share of the infant grandchild, George Elias Tuckett, and of any future grandchildren, to be retained by the Trustees of the said Will, until such infant and such future grandchildren shall attain the age of 21 years, subject to any order that may be made by the Supreme Court for their maintenance.

3. All income from the residuary estate of the said George Elias Tuckett, deceased, received by the Trustees of his Will, after the passing of this Act, shall, as well during the first year after the passing of this Act (and without any apportionment of periodical payments current at the date of passing of this Act), as in subsequent years, and whether such income shall be for a period current at the date of the passing of this Act, or be then overdue, be deemed income arising from the residuary estate of the said George Elias Tuckett, deceased, for the purpose of the distribution provided for in this Act. What deemed income from residuary estate.

4. Should any grandchild of the said George Elias Tuckett hereafter be born, the share of such grandchild in the residuary estate of the said George Elias Tuckett shall, upon his or her birth, be credited with an amount equal to the payments of income which such grandchild would have received if he or she had been living at the date of the passing of this Act, together with interest thereon at the rate of five per centum per annum, compounded annually, from the date at which such payments would have been received if such grandchild had been living at the date of the passing of this Act, and the amount so credited shall be charged against and paid out of the shares of those grandchildren who have theretofore participated in the distribution of income equally, share and share alike, and thereafter and during the period mentioned in section 2 hereof, such grandchild hereafter born shall be entitled to his or her equal share of that part of the net annual income arising from the residuary estate of the said George Elias Tuckett, deceased, which is to be divided as provided in section 2 hereof. Rights of after-born grand-children.

5. Upon the death of the said Charles Paul Tuckett, the residuary estate of the said George Elias Tuckett, deceased, shall be divided amongst those entitled thereto, in accordance with sections 1 and 4 of this Act, but the annuities payable under the Will of the said George Elias Tuckett, deceased, shall remain a charge upon his residuary estate, and no distribution shall be made without reserving a sufficient sum as directed by the said Will, to protect the same. Division of residuary estate on death of Charles P. Tuckett.

6. Should any of the grandchildren of the said George Elias Tuckett, deceased, predecease the said Charles Paul Tuckett, the share of the income to which the one so dying would Case of grandchild predeceasing Charles P. Tuckett.

would have been entitled if living, and when the period of distribution comes, his share of the capital shall be paid to his or her personal representative.

Trustees to
comply
with Act.

7. The said Harry Blois Witton and John James Morrison, and the person or persons who for the time being may be Trustee or Trustees of the said Will, shall, in the administration of the estate of George Elias Tuckett, deceased, follow and comply in all respects with the provisions of this Act.

Act to
govern
where in-
consistent
with will.

8. The provisions of this Act shall, where inconsistent with the Will of the said George Elias Tuckett, deceased, supersede the terms and provisions contained in such Will.

Expenses
of Act.

9. The said Trustees may, out of the accumulated income of the said estate, pay the costs of and incidental to this Act.

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